RESOLUTION NO. 2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT SCH. 2024061274, AS RELATED TO A PROPOSED PROJECT CONSISTING OF THE DEVELOPMENT OF A 664,859 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING WITH ASSOCIATED PAVING, LANDSCAPING, FENCING, LIGHTING, AND DRAINAGE IMPROVEMENTS ON APPROXIMATELY 38.89 GROSS ACRES (38.78 NET ACRES) OF LAND (APN: 0239-192-23) LOCATED AT THE SOUTHWEST CORNER OF LOCUST AVENUE AND LOWELL STREET WITHIN THE GENERAL MANUFACTURING (I-GM) LAND USE DISTRICT OF THE RIALTO AIRPORT SPECIFIC PLAN; ADOPT FINDINGS OF FACT RELATED THERETO, AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(a) AND CEQA GUIDELINES, SECTION 15091; APPROVE A MITIGATION MONITORING AND REPORTING PROGRAM RELATED THERETO, AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081.6 AND CEQA GUIDELINES SECTION 15097; AND ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS RELATED THERETO, AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(b) AND CEQA GUIDELINES SECTION 15093.

WHEREAS, the applicant, IV5 Locust Gateway Logistics Center LLC, ("Applicant") proposes to develop and operate a 664,859 square foot industrial warehouse building with associated paving, landscaping, fencing, lighting, and drainage improvements ("Project") on approximately 38.89 gross acres (38.78 net acres) of land (APN: 0239-192-23) located at the southwest corner of Locust Avenue and Lowell Street within the General Manufacturing (I-GM) land use district of the Rialto Airport Specific Plan ("Site"); and

WHEREAS, the City of Rialto ("City") has undertaken review under the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000, *et seq*. and California Code of Regulations ("CEQA Guidelines") Title 14, Sections 15000, *et seq*.; and

WHEREAS, the Applicant retained Kimley-Horn and Associates, Inc., an environmental consulting firm, to prepare an environmental impact report ("EIR") for the Project; and

WHEREAS, the City retained EcoTierra Consultants, an environmental consulting firm, to conduct a peer review of the EIR prepared for the Project by Kimley-Horn and Associates, Inc.; and

WHEREAS, on June 27, 2024, the City distributed a Notice of Preparation for Draft Environmental Impact Report SCH. 2024061274, for the Project, pursuant to CEQA Guidelines Section 15082 and Public Resources Code Section 21080.4, providing a 30-day period during which responsible agencies, trustee agencies, and members of the general public could provide comments to the City regarding the scope of the proposed EIR; and

WHEREAS, pursuant to the authority and criteria contained in CEQA and the City of Rialto environmental guidelines, the City, as the Lead Agency, analyzed the Project and directed the Applicant to prepare a Draft Environmental Impact Report ("DEIR"), and determined that the proposed Project would have significant impacts related to greenhouse gas emissions from Project operations; and

WHEREAS, consistent with the requirements of CEQA Guidelines Section 15085, upon completing the DEIR dated September 2025, the City filed a Notice of Completion on September 8, 2025 with the Office of Planning and Research; and

WHEREAS, on September 5, 2025 consistent with the requirements of the Public Resources Code Section 21092 and CEQA Guidelines Section 15087, the City published a Notice of Availability of the DEIR in the San Bernardino Sun newspaper, and, on September 5, 2025, posted the Notice of Availability at City Hall and mailed a Notice of Availability to all responsible and trustee agencies, all organizations and individuals who had requested notice, and all property owners located within a 1,000 foot radius of the Site; and

WHEREAS, the Notice of Availability and Notice of Completion noticed all agencies, organizations, and the public that they had 45 days to provide comments on the contents of the DEIR, which was available in hard copy for in-person review at City Hall – the Community Development Building - and available for download on the City of Rialto website, throughout the comment period; and

WHEREAS, at the conclusion of the 45-day public review and comment period related to the DEIR, the City directed the preparation of the Final Environmental Impact Report dated December 2025 ("FEIR") pursuant to CEQA Guidelines Sections 15088, 15089 and 15132, which included the DEIR, responses to public comments on the DEIR, and a Mitigation Monitoring and Reporting Program; and

WHEREAS, pursuant to CEQA Guidelines Section 15132, the FEIR is required to be completed in compliance with CEQA, and pursuant to Section 21092.5 of CEQA, on December 4, 2025, the City sent via email and mail the FEIR, including written responses to comments, to all agencies, organizations, and persons that commented on the DEIR; and

WHEREAS, on December 5, 2025, the City published a Notice of Public Hearing that the Planning Commission would consider recommending certification of the FEIR and approval of the Project to the City Council at its December 17, 2025 meeting in the San Bernardino Sun newspaper, posted the notice at City Hall, and mailed said notice to all property owners within a 1,000 foot radius of the Site as well as all to all organizations and individuals who had requested notice; and

WHEREAS, on December 17, 2025, the Planning Commission conducted a public hearing, and considered the record of proceedings for the FEIR, which includes, but is not limited to, the following:

(1) The Notice of Preparation for the Project (the "NOP"), and all other public notices issued by the City in connection with the Project;

(2) The FEIR dated December 2025;

(3) All written comments submitted by agencies or members of the public during any public review comment period on the DEIR;

(4) All written and verbal public testimony presented during a noticed public hearing for the Project at which such testimony was taken, including without limitation, the Staff Report to the Planning Commission, including all attachments, any all presentations by City staff, the City's consultants, the Applicant and the Applicant's consultants, the public, and any other interested party;

(5) The Mitigation Monitoring and Reporting Program for the Project (the "MMRP");

(6) The reports, studies and technical memoranda included and/or referenced in the DEIR and the FEIR and or their appendices;

(7) All documents, studies, or other materials incorporated by reference in the DEIR and the FEIR;

(8) All Ordinances and Resolutions presented to and/or to be adopted by the City in connection with the Project; and all documents incorporated by reference therein, specifically including, but not limited to, this Resolution and its exhibit;

(9) Matters of common knowledge to the City, including but not limited, to federal, state, and local laws and regulations, adopted City plans, policies (including but not limited to the Rialto General Plan and the Rialto Airport Specific Plan), and the professional qualifications of City staff members and consultants;

(10) Any documents expressly cited in this Resolution and its exhibit, the Staff Report to the Planning Commission, the FEIR which includes the DEIR; and

(11) Any other relevant materials required to be in the record of proceedings under Section 21167.6(e) of the Public Resources Code; and

WHEREAS, the City has not pre-committed to approving the Project or the FEIR, and will not commit to any approval related to the Project until the Planning Commission and City Council consider and certify the FEIR for the Project based upon all evidence presented; and

WHEREAS, on December 17, 2025, following the public hearing, the Planning Commission considered and discussed the adequacy of the proposed FEIR as an informational document and applied their own independent judgment and analysis to review said FEIR, and hereby desire to take action to recommend that the City Council certify the FEIR, as having been completed in compliance with CEQA, based on the findings found herein; and

WHEREAS, at its December 17, 2025, meeting, following the public hearing, the Planning Commission also considered and decided whether to recommend approval or rejection of the Project at this time; and

WHEREAS, CEQA requires in Public Resources Section 21081 the following:

"Section 21081. Findings necessary for approval of project. Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment."

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, that the Planning Commission of the City of Rialto hereby do find, determine, and declare based upon the evidence presented as follows:

SECTION 1: RECITALS. The Planning Commission hereby finds all of the above recitals to be true and correct and such recitals are incorporated herein by this reference.

SECTION 2: FINDINGS. The FEIR available at the Community Development Department office and provided concurrently with this Resolution, includes the DEIR SCH No.

2024061274 dated September 2025 and all related appendices, the Response to Comments, and all related appendices and attachments to the FEIR dated December 2025. The Planning Commission finds, based upon the forgoing substantial evidence in the record of proceedings, and the whole record before it, in the exercise of its independent judgment and analysis, that the FEIR is, procedurally and substantively, in compliance with the requirements of CEQA:

a. *Procedural Compliance*: The Final EIR was prepared in procedural compliance with the requirements of CEQA:

1. Notice of Preparation. As described in the Recitals hereto, a Notice of Preparation was prepared in accordance with Section 15082 of CEQA.
2. Public Review. As described in the Recitals hereto, the City held multiple public review periods pursuant to the CEQA Guidelines.
3. Notice of Completion. As described in the Recitals hereto, the City has complied with CEQA Guidelines Sections 15085, 15086, 15087, and 15105 by providing a Notice of Completion of the DEIR to the State Clearinghouse and a Notice of Availability to responsible and trustee agencies and other persons and agencies as required.
4. Written Comments. As described in the Recitals hereto, the City has evaluated and responded to all written comments received during the public review period and included both comments and responses as part of the FEIR pursuant to CEQA Guidelines Section 15088.

b. *Findings Regarding Significant Effects that Can be Mitigated to Less Than Significant.* The FEIR identifies potentially significant effects on the environment that could result if the Project were adopted without changes or alterations in the Project and imposition of mitigation measures and further finds that changes, alterations, and mitigation

measures have been incorporated into, or imposed as conditions of approval on, the Project. The Planning Commission adopts the statements and findings in Exhibit A (Section 5.2, titled "Potentially Significant Impacts Which Can Be Mitigated Below a Level of Significance with Mitigation Measures") to this Resolution, which is attached hereto and incorporated herein by this reference. These avoidable significant effects are identified in Exhibit A (Section 5.2) and include potentially significant impacts to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise and vibration, and tribal cultural resources. However, mitigation measures can be implemented to reduce these impacts to a level that is less than significant; changes have been required in, or incorporated into, the Project through the imposition of mitigation measures as described in Exhibit A (Section 5.2). These mitigation measures identified in Exhibit A will be imposed pursuant to the MMRP found at Section 4.0 in the FEIR. These changes, alterations, and mitigation measures are fully enforceable because they have either resulted in an actual change to the Project as proposed or they have been imposed as conditions of approval on the Project.

c. *Findings Regarding Unavoidable Significant Impacts*. The Planning Commission adopts the statements and findings in Exhibit A (Section 5.3, titled "Significant and Unavoidable Impacts of the Project") to this Resolution, which is attached hereto and incorporated herein by this reference. The Project has significant effects that cannot be mitigated to a less than significant level through the imposition of mitigation measures. These significant effects are identified in Exhibit A (Section 5.3). Specific economic, legal, social, technological, or other considerations are found to make the Proposed Project acceptable notwithstanding that even with

the required mitigation measures, and consideration of project alternatives identified in the FEIR for the significant impacts identified in Exhibit A (Section 5.4) all impacts cannot be reduced to less then and significant levels, including those based upon the findings in Exhibit A (Section 5.3) to this resolution, and the findings in Exhibit A (Section 5.4) regarding the proposed alternatives. Therefore, those impacts are found to be significant and unavoidable.

d. *Findings Regarding Less than Significant Impacts*. In the course of the DEIR evaluation, certain environmental impacts of the Project were found not to be significant. Any and all potential significant impacts discussed in the FEIR that are not subject to paragraph 2(b) or 2(c), above, as either an avoidable significant impact, or as an unavoidable significant impact, are insignificant impacts to the environment. There exists no fair argument that the environmental conditions that were found not to be significant in the DEIR will pose a significant environmental impact, due to the inability of a Project of this scope to create such impacts or the absence of Project characteristics producing significant effects of this nature.

SECTION 3: FEIR REVIEWED AND CONSIDERED. The Planning Commission has reviewed and considered the information contained in the FEIR and, based upon the forgoing, substantial evidence in the record of proceedings, and the whole record before it, in the exercise of its independent judgment and analysis, finds that the FEIR has been completed in compliance with CEQA.

SECTION 4: ALTERNATIVES. The FEIR identified potential environmental impacts of separate project alternatives compared to impacts from the proposed Project. These alternatives were selected based upon their ability to avoid or substantially lessen the significant effects of the proposed Project, while still achieving the primary Project objectives. Most alternatives are hereby found infeasible due to lack of alternative site availability, failure to meet basic Project objectives,

or the fact that some alternatives would still have the same types of significant and unavoidable impacts as the Project. Based upon the forgoing, substantial evidence in the record of proceedings, and the whole record before it, in the exercise of its independent judgment and analysis, the Planning Commission hereby recommends that the City Council adopt the Statement of Findings on rejection of Project Alternatives in Exhibit A (Section 5.4, titled "Alternatives to the Proposed Project") to this Resolution, which is attached hereto and incorporated herein by this reference.

SECTION 5: STATEMENT OF OVERRIDING CONSIDERATIONS. Based upon the forgoing, substantial evidence in the record of proceedings, and the whole record before it, in the exercise of its independent judgment and analysis, the Planning Commission finds, pursuant to CEQA Section 21081(b) and CEQA Guidelines Section 15093, that the specific economic, legal, social, technological and other benefits of the Project outweigh the Project's unavoidable adverse environmental impacts, and therefore, the impacts are acceptable. Based upon the forgoing, substantial evidence in the record of proceedings, and the whole record before it, in the exercise of its independent judgment and analysis, the Planning Commission hereby recommends that the City Council adopt the Statement of Overriding Considerations in Exhibit A (Section 6.0, titled "Statement of Overriding Considerations") to this Resolution, which is attached hereto and incorporated herein by this reference. Based upon the forgoing, substantial evidence in the record of proceedings, and the whole record before it, in the exercise of its independent judgment and analysis, the Planning Commission finds that each of the Significant and Unavoidable Impacts identified in Exhibit A (Section 5.3) may be considered acceptable for the reasons cited.

SECTION 6: MITIGATION MONITORING. The City as lead agency adopts the MMRP for the changes made to the Project that it has adopted in order to mitigate or avoid significant effects on the environment. Pursuant to Public Resources Code Section 21081.6, the MMRP set forth as Section 4.0 to the FEIR to this Resolution, which is attached hereto as Exhibit B and incorporated herein by this reference, is hereby adopted to ensure that all mitigation measures adopted for the Project are fully implemented. Based upon the forgoing, substantial evidence in the record of proceedings, and the whole record before it, in the exercise of its independent judgment and analysis, the Planning Commission hereby recommends that the City Council adopt

the MMRP to ensure compliance with mitigation measures during Project implementation. As required by Public Resources Code Section 21081.6, the MMRP designates responsibility and anticipated timing for the implementation of the mitigation measures recommended in the FEIR. The MMRP will remain available for public review during the compliance period.

SECTION 7: RECOMMENDATION OF CERTIFICATION. Based on the above facts and findings, in the exerciser of its independent judgment and analysis, the Planning Commission hereby recommends that the City Council certify the FEIR for the Project as accurate and adequate. Based on the above facts and findings, in the exerciser of its independent judgment and analysis, the Planning Commission further recommends that the City Council certify that the FEIR was completed in compliance with CEQA and the CEQA Guidelines.

SECTION 8: The Chairman of the Planning Commission shall sign the passage and adoption of this resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED, AND ADOPTED this 17th day of December, 2025.

_____

MICHAEL E. STORY, CHAIR
CITY OF RIALTO PLANNING COMMISSION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Heidy Gonzalez, Administrative Assistant of the City of Rialto, do hereby certify that the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the Planning Commission of the City of Rialto held on the ___th day of ____, 2025.

Upon motion of Planning Commissioner_____., seconded by Planning Commissioner ____, the foregoing Resolution No. ____was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this __th day of ___, 2025.

_____
HEIDY GONZALEZ, ADMINISTRATIVE ASSISTANT

EXHIBIT A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS PREPARED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LOCUST GATEWAY DEVELOPMENT PROJECT STATE CLEARINGHOUSE NO. 2024061274

[See Following Pages]

Findings of Fact and Statement of Overriding Considerations

Prepared Pursuant to the California Environmental Quality Act for the Final Environmental Impact Report for the

Locust Gateway Development Project

State Clearinghouse No. 2024061274

1.0 FINDINGS OF FACT

1.1 INTRODUCTION

The California Environmental Quality Act ("CEQA") requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Findings of Fact are the first set of findings where the Lead Agency identifies the significant environmental impacts as identified in the Environmental Impact Report ("EIR"); presents facts supporting the conclusions reached in the analysis; makes one or more written findings for each impact; and explains the reasoning behind the agency's findings.

The Statement of Overriding Considerations is the second set of findings. Where a project will cause unavoidable significant impacts, the Lead Agency may still approve a project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

The EIR was prepared by the City of Rialto ("City") acting as lead agency pursuant to CEQA. Hereafter, the Notice of Preparation, Notice of Availability/Notice of Completion, Draft EIR ("DEIR"), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the DEIR, and the Mitigation Monitoring and Reporting Program ("MMRP") will be referred to collectively herein as the "EIR". The following Findings of Fact have been prepared in accordance with the California Public Resources Code Section 21081 and CEQA Guidelines (14 California Code of Regulations Section 15091) (collectively, CEQA). Section 15091 of the CEQA Guidelines provides that:

> (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
>
> > (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The City, serving as the CEQA lead agency, finds and declares that the proposed Locust Gateway Development Project (State Clearinghouse No. 2024061274) has been completed in compliance with CEQA and the CEQA Guidelines. The City finds and certifies that the EIR was reviewed and that information contained in the EIR was considered prior to approving the proposed Locust Gateway Development Project, hereinafter referred to as the "Project".

Having received, reviewed and considered the EIR for the Project, as well as all other information in the record of proceedings on this matter, the Findings of Fact included in this document are hereby adopted by the City in its capacity as the CEQA lead agency. Based upon its review of the EIR, the City finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed Project; represents the independent judgment of the City; and sets forth an adequate range of alternatives to the Project.

The City has exercised independent judgment, in accordance with PRC § 21082.1(c)(3), in the preparation of the DEIR, the review of materials prepared by the Project Applicant and its

consultants, and the preparation of the Final EIR based on comments received during the public comment process.

Having received, reviewed, and considered the information in the DEIR and FEIR, as well as any and all other information in the record, the City hereby makes these Findings pursuant to and in accordance with PRC §§ 21081, 21081.5, and 21081.6, and add a brief description of these codes.

For purposes of CEQA and these Findings, the record of proceedings for the City's Findings and determinations includes, but is not limited to, the following documents, which were considered by the City prior to taking action on the proposed Project and adopting these Findings:

- Locust Gateway Development Project DEIR, including Technical Studies;
- Notice of Preparation (NOP), Notice of Completion (NOC), Notice of Availability (NOA), Notice of Determination (NOD) and all other public notices issued by the City in conjunction with this process;
- Comment Letters Received and Responses to Comments on the DEIR, including all written comments submitted by public agencies and members of the public during the public review period established by the NOC and included in the FEIR;
- Corrections and Changes from the DEIR to the Final EIR;
- Other site-specific and/or Project-specific technical studies and exhibits not included in the Final Environmental Impact Report (FEIR) but explicitly referenced therein;
- Mitigation Monitoring and Reporting Program;
- All written and verbal public testimony presented during public hearings for the proposed Project at which public testimony was taken, including Planning Commission and City Council hearings held as described under Section 3.0 of these Findings of Fact;
- All Project information submitted by the Applicant in its application to the City relating to the Project and/or the FEIR;
- All agendas, staff reports, and approved minutes of the City's Planning Commission and City Council relating to the proposed Project; and
- All other public reports, documents, studies, memoranda, maps, or other planning documents relating to the Project, the DEIR, or the FEIR, prepared by the City, consultants to the City, or responsible or trustee agencies.

All acronyms used herein shall have the meaning as defined in the DEIR unless otherwise noted.

1.2 CUSTODIAN AND LOCATION OF RECORDS.

The documents and other materials that constitute the administrative record for the City's approval of the EIR and actions related to the Project are located at the City of Rialto Community Development Department, Planning Division, 150 South Palm Avenue, Rialto, CA 92376. The City of Rialto is the custodian of the Project's administrative record. Copies of the documents and

other materials that constitute the record of proceedings are, at all relevant times have been, and will be available upon request directed to the City of Rialto Community Development Department.

2.0 PROJECT DESCRIPTION

2.1 INTRODUCTION.

The DEIR was prepared pursuant to CEQA (California Public Resources Code, Sections 21000, et seq.) to assess the potential environmental effects of the Locust Gateway Development Project, which would develop an approximately 664,859-square-foot (sf) warehouse, inclusive of approximately 7,713 sf of ancillary office space, 365 vehicle parking stalls, 398 trailer parking stalls, and a fence-secured dock area with 82 docks on an approximately 40-acre site located at the southwest corner of Locust Avenue and Lowell Street. The Project site is currently vacant and undeveloped, with the exception of remnants of a World War II-era bunker and rail spurs in the southern portion of the Project site. The majority of the site is covered in non-native grassland and previously disturbed land.

The Project proposes three new driveways on Lowell Street and one driveway on Locust Avenue. The driveway shown on the site plan on Lake Padden Lane would be provided exclusively for emergency access purposes with no truck or passenger vehicle access. The Project would be constructed using concrete tilt-up panels with architectural treatments for visual relief along the building facades. The warehouse would be white and grey with blue accents and blue window glazing.

2.2 PROJECT GOALS AND OBJECTIVES.

CEQA Guidelines Section 15124(b) requires "A statement of objectives sought by the proposed Project. A clearly written statement of objectives would help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and would aid the decision-makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project." The following objectives have been identified for the Project:

Objective 1: Develop and operate a warehouse that is in close proximity to three major freeways (State Route 210, Interstate 215 and Interstate 15) to support the distribution of goods throughout the region and that also limits traffic truck disruption to residential areas within the City and neighboring jurisdictions.

Objective 2: Develop and operate a warehouse that maximizes the efficient use of a vacant and underutilized and environmentally constrained site near available infrastructure, to allow the City of Rialto to compete on a domestic and international scale through the efficient and cost-effective movement of goods.

Objective 3: Develop a warehouse in an appropriate location that is predominantly surrounded by other industrial uses and is consistent with the Project site's General Manufacturing land use designation under the Rialto Airport Specific Plan.

Objective 4: Maximize the efficient movement of goods throughout the region by locating a warehouse development in close proximity to the Ports of Los Angeles and Long Beach.

Objective 5: Develop and operate an attractive warehouse development in the City of Rialto that meets industry standards for operational design criteria that will attract quality tenants and that will be competitive with other similar facilities in the region.

Objective 6: Positively contribute to the economy of the City of Rialto through new capital investment, expansion of the tax base and creation of new employment opportunities, including opportunities for highly trained workers.

Objective 7: Provide local employment for residents of the City to improve jobs-housing balance within the City, thereby reducing the need for members of the local workforce to commute outside the Project vicinity to work.

Objective 8: Provide infrastructure improvements including street and sidewalk improvements to Lowell Street and Locust Avenue, undergrounding of existing utilities, and drainage and water quality treatment improvements.

Objective 9: Develop a project that does not contribute to surface and groundwater quality degradation by treating surface and stormwater flows.

2.3 REQUIRED DISCRETIONARY ACTIONS AND PERMITS.

Pursuant to CEQA Guidelines Section 15121, an EIR is primarily an informational document intended to inform the public agency decision-makers and the general public of the potentially significant environmental effects of a project. Prior to taking action on the proposed Project, the City must consider the information in this EIR and certify the Final EIR. This EIR is intended to provide decision-makers of the City, other public agencies, and members of the public with the relevant environmental information needed in considering the Project. Anticipated project-related discretionary and ministerial approvals, and permits include, but are not limited to the following, to implement the Project addressed in this EIR:

- Certification of EIR
- Precise Plan of Design (PPD 2023-0041)
- Conditional Development Permit (CDP 2023-0032)
- Tentative Parcel Map (TPM 2023-0006) to create one parcel and one lettered lot, and to depict the required City right-of-way dedication for Lowell Street, vacations, and easements.
- Development Agreement (DA 2024-0002)

For this Project, the California Department of Fish and Wildlife (CDFW) is a trustee and responsible agency, because the Project has the potential to impact a wildlife species (Crotch's bumblebee) which is managed and protected by the State. The Santa Ana Regional Water Quality Control Board is also a responsible agency with respect to water quality. Approvals from these agencies would include:

- **Santa Ana Regional Water Quality Control Board (RWQCB)**: Issuance of a National Pollution Discharge Elimination System (NPDES) Permit and Construction General Permit.
- **CDFW:** Issuance of an Incidental Take Permit for the Crotch's bumblebee.

In addition to the approvals identified above, the Project may be subject to other discretionary and ministerial permits and approvals that may be necessary, including, but not limited to, site development permits, grading permits, sign permits, and building permits.

2.4 OTHER CEQA DOCUMENTS REFERENCED.

Under Section 15150 of the CEQA Guidelines, an EIR may incorporate by reference all or portions of another document that are a matter of public record or are generally available to the public. The previously prepared EIRs and environmental analyses listed below were relied upon or consulted in the preparation of the Project's EIR and were incorporated by reference:

- Rialto 2010 General Plan Update and General Plan Update and Related Zoning Ordinance Amendments EIR.
- 2023 City of Rialto Focused General Plan Update.
- City of Rialto Municipal Code, Title 18 – Zoning.

3.0 ENVIRONMENTAL REVIEW/PUBLIC PARTICIPATION.

The City conducted an extensive review of this Project, which included a DEIR and a Final EIR, including related technical reports, which were subject to a public review and comment period. The following is a summary of the City's environmental review of this Project:

- On June 27, 2024, the City circulated a Notice of Preparation ("NOP") identifying the environmental issues to be analyzed in the Project's EIR to the State Clearinghouse, responsible agencies, and other interested parties.
- The NOP public review period ran for 30 days. Written comments on the NOP were received from various agencies. The scope of the issues identified in the comments expressing concern included potential impacts associated with tribal cultural resources and biological resources.
- An EIR Scoping Meeting was held on July 11, 2024, at 6:00 PM at the Rialto City Hall Council Chambers, located at 150 S. Palm Avenue in the City of Rialto. No

agencies or interested parties attended the Scoping Meeting; only City staff and the City's EIR consultant were in attendance.

- The DEIR was circulated for public review for a 45-day review period. The Notice of Availability/Notice of Completion 45-day review period was from September 5, 2025 to October 20, 2025. The State Clearinghouse 45-day review period was from September 8, 2025 to October 22, 2025.
- The City received a total of 8 comment letters on the DEIR. The City prepared specific responses to comments. The responses to comments are in Section 2.0 of the Final EIR.
- On December 17, 2025, the City of Rialto Planning Commission conducted a duly noticed public hearing to consider the Project and voted X-X to recommend approval to the City Council.
- On _____, the City Council conducted a duly noticed public hearing to consider the Project. The City Council, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, the City Council decided to certify the EIR, adopt these Findings and to take action to approve the Project as recommended by the Staff Report.

4.0 INDEPENDENT JUDGMENT AND FINDING.

Kimley-Horn and Associates, Inc. ("Kimley-Horn") was retained by the applicant to prepare the EIR. Kimley-Horn prepared the EIR under the supervision, direction and review of the City's planning staff, along with a third-party peer review.

Finding: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

4.1 GENERAL FINDING ON MITIGATION MEASURES.

In preparing the discretionary actions and permits for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the discretionary actions and permits do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted discretionary actions and permits are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is the City's intent to adopt all mitigation measures recommended by the EIR, which are applicable to the Project. If a measure has, through error, been omitted from the discretionary

actions and permits or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all discretionary actions and permits repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the approvals contain the final wording for the mitigation measures.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

As discussed in more detail below, these Findings of Fact are intended to meet the requirements of CEQA Guidelines Sections 15091 and 15093. City staff reports, the EIR, written and oral testimony at public meetings or hearings, these Facts and Findings and other information in the administrative record, serve as the basis for the City's environmental determination.

Detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.1 to Section 4.17 of the DEIR, as modified in Section 3.0 of the Final EIR. Responses to comments from the public and from other government agencies on the EIR are provided in Section 2.0 of the Final EIR.

As discussed in Section 5 of the DEIR, the Project was determined to not result in any impacts to the following environmental categories:

- Aesthetics and Visual Resources (would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?);
- Agricultural and Forestry Resources (all issue areas);
- Biological Resources (would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?);
- Geology and Soils (related to rupture of a known earthquake fault, landslides, septic tanks/alternative wastewater disposal systems);
- Hazards and Hazardous Materials (issue areas related to noise and hazards from airport land use plans/proximity to public airport, and wildland fires);
- Land Use and Planning (with regard to the physical division of an established community);
- Noise (excessive noise within airport land use plan or within two miles of public airport)
- Population and Housing (would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?);

- Public Services (with regard to schools, parks, and other public services);
- Recreation (all issue areas); and
- Wildfire (all issue areas).

Therefore, these topics were not discussed in detail within Section 4 of the DEIR. The City Council concurs with the respective conclusions of Section 5 of the DEIR that the Project would not result in any impacts related to these issue areas.

The DEIR evaluated 17 major environmental categories for potential impacts: Aesthetics; Air Quality; Biological Resources; Cultural Resources; Energy; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing; Public Services, Transportation, Tribal Cultural Resources; and Utilities and Service Systems. Both Project-specific and cumulative impacts were evaluated.

Of these 17 major environmental categories, the City Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Section 5.1 below are less than significant without the need for mitigation; and that the issues and sub issues discussed in Section 5.2 below can be mitigated below a level of significance.

5.1 IMPACTS THAT ARE LESS THAN SIGNIFICANT WITHOUT THE NEED FOR MITIGATION.

The City Council finds that impacts of the Project related to Aesthetics, Energy, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Transportation and Utilities and Service Systems (all issue areas) and their respective cumulative impacts are less than significant without the need for mitigation, in whole or in part due to various features that have been incorporated into the Project, including mandatory compliance with applicable standards under CALGreen, Title 24 and other regulations, Laws, Ordinances, and Regulations (LORs), City Standard Conditions, Project location and setting, and operational characteristics, as discussed in the respective topical subsections within Section 4 of the DEIR.

LORs are existing requirements that are based on local, State, or federal regulations or laws that are frequently required independently of CEQA review. Typical LORs include compliance with the provisions of the California Building Code, local agency, etc. The City may impose additional conditions during the approval process, as appropriate. Because LORs are neither Project-specific nor a result of development of the Project, they are not considered to be either Project Design Features or Mitigation Measures. However, they are included in the Mitigation Program to comprehensively identify Project requirements.

With respect to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gases, Hazards and Hazardous Materials, Noise and Transportation, the City Council finds that with the exception of those specific sub-issue areas identified in Section 5.2 below as

requiring mitigation, or in Section 5.3 as significant and unavoidable impacts, all other impacts of the Project are less than significant without the need for mitigation.

5.2 POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE WITH MITIGATION MEASURES.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(1) state that no public agency shall approve or carry out a project for which an EIR has been completed, which identifies one or more significant effects unless the public agency finds that changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment.

The following issues from the environmental categories analyzed in the EIR, including Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gases, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. The City Council hereby finds pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(1) that all potentially significant Project-level and cumulative impacts related to the environmental categories listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by the City Council. Specific findings for each category of such impacts are set forth in detail below.

Each mitigation measure discussed in this Section of the findings has a letter and number code correlating it with the environmental category used in the DEIR and MMRP.

5.2.1 Air Quality

Potential Significant Impact (Thresholds 4.2-1, 4.2-2, 4.2-3 and 4.2-4): The EIR evaluated and concluded that the Project would potentially conflict with or obstruct implementation of the applicable air quality plan; result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or State ambient air quality standard during operations; expose sensitive receptors to substantial pollutant concentrations; and result in cumulative air quality impacts.

Finding: Based on the entire record, the City Council finds that these impacts are potentially significant but can each be mitigated to a less than significant level through implementation of Mitigation Measures AQ-1, AQ-2, AQ-3, AQ-4 and AQ-5. The Mitigation Measures are adopted and incorporated into the MMRP for the Project and will be implemented as specified therein, thereby reducing these potentially significant impacts to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.2 of the DEIR. In addition, LORs AQ-1 to AQ-5, although not considered mitigation, are included in the MMRP to comprehensively identify Project requirements. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to air quality

to below a level of significance:

Mitigation Measures

MM AQ-1 Low VOC Paints. The Project shall use "Super-Compliant" low VOC paints which have been reformulated to exceed the regulatory VOC limits (i.e., have a lower VOC content than what is required) put forth by SCAQMD's Rule 1113 for all architectural coatings. Super-Compliant low VOC paints shall be no more than 10 g/L of VOC. Prior to issuance of a building permit, the City shall confirm that plans include the following specifications:

- All architectural coatings will be super-compliant low VOC paints.
- Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints.
- Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
- For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain. Set aside the can of cleanup water and take it to the hazardous waste center (www.cleanup.org).
- Use compliant low-VOC cleaning solvents to clean paint application equipment.
- Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions.
- Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable.
- Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.

MM AQ-2 Require All-Electric Development. Prior to the issuance of building permits, the Building Department shall confirm that building plans require the Project to use all-electric appliances, and end uses instead of natural gas. The Project shall not include natural gas utility lines or connections. The purpose of this mitigation measure is to reduce air quality emissions from natural gas.

MM AQ-3 Electric Landscape Equipment. Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project's Covenants, Conditions and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all handheld landscaping equipment used on site shall be 100 percent electrically powered. The logistics warehouse and parking lots shall be equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be included in the third-party vendor agreements for landscape services for the building owner and tenants, as applicable. This mitigation measure applies only to tenant improvements and not the building shell approvals.

MM AQ-4 Transportation Demand Management. Prior to the issuance of tenant occupancy permits, the tenant/facility operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool and transit. The TDM shall include measures such as, but not limited to the following:

- Provide a transportation information center and on-site TDM coordinator to educate residents, employers, employees, and visitors of surrounding transportation options.
- Promote bicycling and walking through design features such as showers for employees, self-service bicycle repair area, etc. around the project site.
- Each building shall provide secure bicycle storage space equivalent to two percent of the automobile parking spaces provided.
- Each building shall provide a minimum of two shower and changing facilities as part of the tenant improvements.
- Provide on-site car share amenities for employees who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day.
- Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service.
- Incorporate incentives for using alternative travel modes, such as preferential load/unload areas or convenient designated parking spaces for carpool/vanpool users.
- Provide meal options onsite or shuttles between the facility and nearby meal destinations.
- Each building shall provide preferred parking for electric, low-emitting and fuel efficient vehicles equivalent to at least eight percent of the required number of parking spaces.

This mitigation measure applies only to tenant occupancy and not the building shell approvals.

MM AQ-5 Non-Diesel Cargo Handling Equipment. The warehouse building shall include the necessary charging stations for cargo handling equipment. Prior to the issuance of a tenant occupancy permit, the Planning Division shall confirm that the Project plans and specifications show that all outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) are zero emission or alternatively fueled (i.e., powered by electricity or non-diesel fuels). The building manager or their designee shall be responsible for enforcing these requirements. Note that SCAQMD Rule 2305 (Warehouse Indirect Source Rule) Warehouse Actions and Investments to Reduce Emissions (WAIRE) points may be earned for electric/zero emission yard truck/hostler usage. This mitigation measure applies only to tenant improvements and not the building shell approvals.

Facts in Support of the Finding:

Threshold 4.2-1: Conflict with or obstruct implementation of the applicable air quality plan

The Project site is located within the South Coast Air Basin (SCAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD is required to reduce emissions of criteria pollutants for which the SCAB is in nonattainment. To reduce such emissions, the SCAQMD drafted the 2016 and 2022 Air Quality Management Plans (AQMPs). The AQMPs establish a program of rules and regulations directed at reducing air pollutant emissions and achieving State (California) and national air quality standards. The pollutant control strategies in the AQMPs are based on the latest scientific and technical information and planning assumptions, including Southern California Association of Government's (SCAG's) 2020 Connect SoCal, updated emission inventory methodologies for

various source categories, and SCAG's latest growth forecasts. SCAG's latest growth forecasts were defined in consultation with local governments and with reference to local general plans. The Project is subject to the SCAQMD's AQMPs. Criteria for determining consistency with the AQMPs are defined by the following indicators:

- Consistency Criterion No. 1: The Project will not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMPs.

- Consistency Criterion No. 2: The Project will not exceed the assumptions in the AQMPs or increments based on the years of the Project build-out phase.

According to the SCAQMD's CEQA Air Quality Handbook, the purpose of the consistency finding is to determine if a project is inconsistent with the assumptions and objectives of the regional air quality plans, and thus if it would interfere with the region's ability to comply with state and federal ambient air quality standards. As identified in **DEIR Table 4.2-8**: **Construction-Related Emissions**, the proposed Project would not exceed construction emission standards with implementation of Mitigation Measure (MM) AQ-1. Further, the Project would not exceed operational emission standards with implementation of MM AQ-2 through MM AQ-5. (**DEIR Table 4.2-9: Operational Emissions**). Therefore, the Project is consistent with the first criterion.

Concerning Consistency Criterion No. 2, the AQMPs contain air pollutant reduction strategies based on SCAG's latest growth forecasts, and SCAG's growth forecasts were defined in consultation with local governments and with reference to local general plans. The Project would not result in a change of land use designations reflected in the AQMP and is assumed to be consistent with the AQMPs regional emissions inventory for the SCAB. Therefore, the Project is consistent with the second criterion.

The City's population estimate, as of January 2023, is 102,985 persons. While the Project does not involve residential development, the Project is anticipated to generate approximately 558 employees and could indirectly induce population growth if future employees move into the City to work at the proposed Project. However, the Project would consist of a source of employment within a City with substantial housing stock. Therefore, it is likely that the Project would employ current residents of the City. In the event that the operator of the proposed facility draws employees that are not from the local community, the Project would not directly result in the development of new housing.

As the Project would not directly result in the development of new housing, the Project would not cause the Rialto General Plan buildout population forecast to be exceeded. The population and employment forecasts, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the City. Additionally, as the SCAQMD has incorporated these same projections into the AQMPs, it can be concluded that the proposed Project would be consistent with the projections. Thus, no impact would occur, as the Project is also consistent with the second criterion.

Future tenant(s) of the Project would also be required to comply with SCAQMD Rule 2305, which would directly reduce NO_X and particulate matter emissions (refer to South Coast Air Quality Management District under Section 4.2.2: Regulatory Setting). The Project would not conflict with or obstruct implementation of the AQMPs or any applicable air quality plan. Impacts would be less than significant with the incorporation of MMs AQ-1 through AQ-5. (**DEIR at 4.2-20 to 4.2-21**).

Threshold 4.2-2: Cumulatively considerable net increase of criteria pollutants

Construction Emissions

Construction associated with the Project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern in the area include O_3-precursor pollutants (i.e., ROG and NO_X) and particulate matter (PM_{10} and $PM_{2.5}$). Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance.

Construction results in the temporary generation of emissions resulting from site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities as well as weather conditions and the appropriate application of water.

Construction of the Project is anticipated to begin in 2025 and is estimated to be completed within approximately 15 months. Construction-generated emissions associated with the Project were calculated using the California Air Resources Board (CARB)-approved CalEEMod computer program. Predicted maximum daily construction-generated emissions for the Project are summarized in **DEIR Table 4.2-8: Construction-Related Emissions**. Due to technology improvements for construction equipment, emissions from Project construction activities would likely be lower than those shown in the table if construction were to occur in later years. Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the area. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. SCAQMD Rules 402 and 403 (prohibition of nuisances, watering of inactive and perimeter areas, track out requirements, etc.), are applicable to the Project and were applied in CalEEMod to minimize fugitive dust emissions. Rule 1113 provides specifications on painting practices and regulates the ROG content of paint. The Project would be required to comply with SCAQMD rules and regulations, including SCAQMD Rules 402, 403, and 1113. **DEIR Table 4.2-8** shows that unmitigated total construction emissions would exceed the SCAQMD threshold for ROG (VOC). Most ROG emissions are generated during the architectural coating phase of construction. Therefore, MM AQ-1 requires the Project to use low VOC paints. With implementation of MM AQ-1, total construction ROG emissions would be below SCAQMD thresholds; impacts would be less than significant. **(DEIR at 4.2-21 to 4.2-22)**.

Operational Emissions

Project-generated emissions would be primarily associated with motor vehicle use and area sources, such as the use of landscape maintenance equipment and architectural coatings. Long-term operational emissions attributable to the Project are summarized in **DEIR Table 4.2-9: Operational Emissions**. The table shows that unmitigated emissions would not exceed SCAQMD thresholds with the exception of NO_X. Therefore, regional unmitigated operational emissions would result in a potentially significant long-term regional air quality impact.

The majority of NO_X emissions are from mobile sources and on-site cargo handling equipment (i.e., forklifts and yard trucks). Mitigation measures would be required to reduce emissions to the maximum extent feasible; however, motor vehicle engine emissions are controlled by State and federal standards and the Project has no control over these standards. Nonetheless, through implementation of MM AQ-2 through MM AQ-5, the Project's operational emissions would be reduced to a less than significant level. MM AQ-2 requires the Project to use all-electric appliances and end uses instead of natural gas, as well as prohibits installation of natural gas utility lines or connections. MM AQ-3 requires landscaping equipment to be 100 percent electric. MM AQ-4 requires the implementation of a Transportation Demand Management (TDM) program to reduce single-occupant vehicle trips and encourage public transit. Mitigated emissions shown in **DEIR Table 4.2-9** do not account for emissions reductions associated with MM AQ-4. MM AQ-5 requires outdoor cargo handling equipment to be zero emissions or alternatively fueled. **DEIR Table 4.2-9** shows that with implementation of MM AQ-2, MM AQ-3, and MM AQ-5, all criteria pollutant emissions would be below SCAQMD thresholds. Therefore, impacts would be less than significant with implementation of MM AQ-2, MM AQ-3, MM AQ-4, and MM AQ-5.

In addition, pursuant to SCAQMD Rule 2305, all warehouses over 100,000 sf are required to implement various emission reduction measures related to warehouse operations and mobile sources. Compliance with SCAQMD Rule 2305 would further reduce criteria pollutants, specifically NO_X and particulate matter emissions. (**DEIR at 4.2-22 to 4.2-23**).

Threshold 4.2-3: Expose sensitive receptors to substantial pollutant concentrations

Localized Construction Impacts

The nearest sensitive receptors are single-family residences located approximately 700 feet (213 meters) to the east of Locust Avenue. Localized significance thresholds (LSTs) are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. Therefore, LSTs for receptors located at the interpolated distance of 213 meters were used in the DEIR's analysis consistent with SCAQMD methodology. **DEIR Table 4.2-11: Localized Significance of Construction Emissions** presents the results of localized emissions during each construction phase. The table shows that emissions of these pollutants on the peak day of construction would not result in significant concentrations of pollutants at nearby sensitive receptors. (**DEIR at 4.2-25**).

Localized Operational Impacts

According to the SCAQMD LST methodology, LSTs would apply to the operational phase of a project only if it includes stationary sources or attracts mobile sources that may spend long periods

queuing and idling at the site (e.g., warehouse or transfer facilities). Since the Project includes a warehouse, the operational phase LST protocol was conservatively applied to both the area source and a portion of the mobile source emissions for operations. LSTs thresholds for receptors located at 213 meters in SRA 34 were used in this analysis because the closest receptors to the Project site are located approximately 700 feet (213 meters) to the east of Locust Avenue. Although the Project site is approximately 40 acres, the 5.0-acre LST threshold was conservatively used for the Project, as the LSTs increase with the size of the site. For a worst-case scenario assessment, the emissions shown in **DEIR Table 4.2-12: Localized Significance of Operational Emissions** conservatively include all on-site Project-related stationary sources and three percent of mobile sources. The table shows that the unmitigated maximum daily emissions of these pollutants for Project operations would not result in significant concentrations of pollutants at nearby sensitive receptors. **(DEIR at 4.2-26)**.

Criteria Pollutant Health Impacts

The SCAQMD has set its CEQA significance thresholds based on the Federal Clean Air Act (FCAA), which defines a major stationary source (in extreme ozone nonattainment areas such as the SCAB) as emitting 10 tons per year. The thresholds correlate with the trigger levels for the federal New Source Review Program and SCAQMD Rule 1303 for new or modified sources. The New Source Review Program was created by the FCAA to ensure that stationary sources of air pollution are constructed or modified in a manner that is consistent with the attainment of health-based federal ambient air quality standards. The federal ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, Projects that do not exceed the SCAQMD's LSTs and mass emissions thresholds would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts.

As discussed above, localized effects of on-site Project emissions on nearby receptors were found to be less than significant (**DEIR Table 4.2-11 and Table 4.2-12**). The LSTs represent the maximum emissions from a Project that are not expected to cause or contribute to an exceedance of the most stringent applicable State or federal ambient air quality standard. The LSTs were developed by the SCAQMD based on the ambient concentrations of that pollutant for each SRA and distance to the nearest sensitive receptor. The ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect public health, including protecting the health of sensitive populations. Information on health impacts related to exposure to ozone and particulate matter emissions published by the U.S. EPA and CARB have been summarized and discussed in the Regulatory Section (**DEIR Table 4.2-3**). Project-related emissions would not exceed the regional thresholds or the LSTs with implementation of MM AQ-1 through MM AQ-5 and therefore would not exceed the ambient air quality standards or cause an increase in the frequency or severity of existing violations of air quality standards. Therefore, sensitive receptors would not be exposed to criteria pollutant levels in excess of the health-based ambient air quality standards. **(DEIR at 4.2-27)**.

Carbon Monoxide (CO) Hotspots

An analysis of CO "hot spots" is needed to determine whether the change in the level of service of an intersection resulting from the Project would have the potential to result in exceedances of the state or federal ambient air quality standards. It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when vehicles are idling at intersections. Vehicle emissions standards have become increasingly stringent in the last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations have steadily declined. Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard.

The SCAB was re-designated as attainment for CO in 2007 and is no longer addressed in the SCAQMD's AQMP. The 2003 AQMP is the most recent version that addresses CO concentrations. As part of the SCAQMD CO Hotspot Analysis, the Wilshire Boulevard and Veteran Avenue intersection, one of the most congested intersections in Southern California with an average daily traffic (ADT) volume of approximately 100,000 vehicles per day, was modeled for CO concentrations. This modeling effort identified a CO concentration high of 4.6 ppm, which is well below the 35-ppm federal standard. The Project considered herein would not produce the volume of traffic required to generate a CO hot spot in the context of SCAQMD's CO Hotspot Analysis. As the CO hotspots were not experienced at the Wilshire Boulevard and Veteran Avenue intersection even as it accommodates 100,000 vehicles daily, it can be reasonably inferred that CO hotspots would not be experienced at any intersections in the vicinity of the Project site resulting from 1,138 daily vehicle trips attributable to the Project. Therefore, impacts would be less than significant. **(DEIR at 4.2-28)**.

Health Risk Assessment

As the Project site is near existing sensitive receptors (i.e., single-family residential uses located approximately 700 feet to the east and southeast of the Project site), an analysis of diesel particulate matter (DPM) was performed using the U.S. EPA-approved AERMOD model. The SCAQMD conducted an in-depth analysis of toxic air contaminants (TACs) and their resulting health risks for all of Southern California. The Multiple Air Toxics Exposure Study in the SCAB (MATES V) (August 2021) shows that carcinogenic risk from air toxics in the SCAB, based on the average concentrations at the 10 monitoring sites, is approximately 40 percent lower than the monitored average in MATES IV and 84 percent lower than the average in MATES II. MATES V also evaluated the population-weighted cancer risk within Environmental Justice (EJ) communities using the SB 535 definition of disadvantaged communities. Between MATES IV and MATES V, air toxic cancer risk decreased by 57 percent in EJ communities overall compared to a 53 percent reduction in non-EJ communities. MATES V is the most comprehensive dataset documenting the ambient air toxic levels and health risks associated with SCAB emissions. Therefore, the MATES V study represents the baseline health risk for a cumulative analysis. MATES V estimates the average excess cancer risk level from exposure to TACs is 424 in one million basin-wide. In comparison, the MATES IV basin's average risk was 897 per million. This steady downward trend in health risk is due in larger part due to stricter regulatory requirements and cleaner fuels and engines, which have resulted in improved regional air quality. These model estimates were based on monitoring data collected at ten fixed sites within the SCAB. None of the fixed monitoring sites

are near the Project site. However, MATES V has extrapolated the excess cancer risk levels throughout the SCAB by modeling the specific grids. MATES V modeling predicted an excess cancer risk of 455 in one million for the Project site area. (**DEIR at 4.2-28 to 4.2-29**).

With regard to carcinogenic risk, the Project (construction and operations combined scenario) would result in a maximum cancer risk of 1.41 in one million at the nearest residential receptors, 0.05 in one million at the nearest student receptors, and 1.21 in one million at the nearest worker receptors. Therefore, the SCAQMD threshold of 10 in one million would not be exceeded at the nearest receptors and impacts would be less than significant, as shown in **DEIR Table 4.2-13**. **DEIR Table 4.2-14: Chronic Hazard Assessment** shows the chronic non-cancer risk hazard index from Project construction and operational emissions. Chronic non-cancer risk hazard index of 1.0 or greater is considered individually significant. The highest maximum chronic hazard index associated with DPM emissions from Project construction would be 0.0007 at the residential receptors, 0.0002 at the student receptors, and 0.0082 at the worker receptors. Additionally, the highest maximum chronic hazard index associated with DPM emissions from Project operations would be 0.0003 at the residential receptors, 0.0001 at the student receptors, and 0.0039 at the worker receptors. There is no acute REL for DPM and acute health risk cannot be calculated. Therefore, non-carcinogenic hazards are calculated to be within acceptable limits and a less than significant impact would occur.

As concluded above, the Project's cancer and non-cancer risks from construction emissions would be less than significant, as both would be below the SCAQMD's thresholds of significance. This analysis assesses the Project's incremental contribution to health risk impacts, consistent with the SCAQMD guidance and methodology. The SCAQMD has not established separate cumulative thresholds and does not require combining impacts from cumulative projects. The SCAQMD considers projects that do not exceed the project-specific individual incremental thresholds to not be cumulatively significant. Therefore, because the Project's health risks (i.e., cancer and non-cancer) would not exceed the Project-specific incremental thresholds, the Project would not result in a cumulatively significant impact and the Project's contribution would be less than cumulatively considerable. (**DEIR at 4.2-29 to 4.2-30**).

Threshold 4.2-4: Objectionable odors

During construction, emissions from construction equipment, such as diesel exhaust, and VOCs from architectural coatings and paving activities may generate odors. However, these standard construction-related odors would be temporary, are not expected to affect a substantial number of people and would disperse rapidly. Therefore, the Project would comply with SCAQMD Rule 402, and impacts related to odors associated with the Project's construction-related activities would be less than significant and no mitigation is required.

Once operational, the SCAQMD CEQA Air Quality Handbook identifies certain land uses as potentially significant sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources. Therefore, the Project would not create objectionable odors. Therefore, the Project would comply with SCAQMD Rule

402 and operational odor impacts would be less than significant and no mitigation is required. (**DEIR at 4.2-31 to 4.2-32**).

Cumulative Impacts

Cumulative Short-Term Emissions

The SCAB is designated nonattainment for O_3, PM_{10}, and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for Federal standards. Appendix D of the SCAQMD White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution (2003) notes that projects that result in emissions that do not exceed the project-specific SCAQMD regional thresholds of significance should result in a less than significant impact on a cumulative basis unless there is other pertinent information to the contrary. Therefore, if a project is estimated to result in emissions that do not exceed the thresholds, the project's contribution to the cumulative impact on air quality in the SCAB would not be cumulatively considerable. Project construction-related emissions would not exceed the SCAQMD significance thresholds for criteria pollutants with the incorporation of MM AQ-1 (see **DEIR Table 4.2-8**). Likewise, the proposed Project would not generate a cumulatively considerable contribution to air pollutant emissions during construction with the incorporation of MM AQ-1.

The SCAQMD has developed strategies to reduce criteria pollutant emissions outlined in the AQMP pursuant to the FCAA mandates. The analysis assumed fugitive dust controls would be used during construction, including frequent water applications. SCAQMD rules, mandates, and compliance with adopted AQMP emissions control measures would also be imposed on other construction projects throughout the SCAB, which would include related cumulative projects. As concluded above, the Project's construction-related impacts would be less than significant. Compliance with SCAQMD rules and regulations would further minimize the proposed Project and other projects in the area construction-related emissions. Therefore, Project-related construction emissions, in combination with those from other projects in the area, would not substantially deteriorate the local air quality. The Project's construction-related emissions would not result in a cumulatively considerable contribution to significant cumulative air quality impacts. (**DEIR at 4.2-32**).

Cumulative Long-Term Impacts

The SCAQMD has not established separate significance thresholds for cumulative operational emissions for project specific impacts because the nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size to, by itself, to result in nonattainment of ambient air quality standards. The SCAQMD developed the operational thresholds of significance based on the level above which individual project emissions would result in a cumulatively considerable contribution to the SCAB's existing air quality conditions. Therefore, a project that exceeds the SCAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.

Project operational emissions would not exceed the SCAQMD thresholds with the incorporation of MM AQ-2 through MM AQ-5 (**Draft EIR Table 4.2-9**). As a result, operational emissions

associated with the Project would not represent a cumulatively considerable contribution to significant cumulative air quality impacts. Therefore, operational emissions associated with the Project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts. (**DEIR at 4.2-32 to 4.2-33**).

5.2.2 Biological Resources

Potential Significant Impact (Threshold 4.3-1): The EIR evaluated and concluded that the Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

Finding: Based on the entire record, the City Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures BIO-1 to BIO-6. The Mitigation Measures are adopted and incorporated into the MMRP for the Project and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.3 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts to biological resources to below a level of significance:

Mitigation Measures

MM BIO-1 Rare Plant Mitigation Plan. Parry's spineflower (CRPR 1B.1) is present on site and impacts are unavoidable; therefore, compensatory mitigation shall be provided to offset impacts. A rare plant mitigation plan shall be prepared and implemented by the applicant or its designee prior to the onset of grading activities. The plan will demonstrate the feasibility of conserving, enhancing, or restoring Parry's spineflower habitat in areas to be managed as natural open space without conflicting with other resource management objectives. Habitat conservation, enhancement, or restoration will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted).

If the rare plant mitigation plan proposes conservation of an extant population, the plan shall include, at a minimum: (a) the location of the conserved habitat and an analysis of its suitability as compensatory mitigation; (b) an assessment of the extant Parry's spineflower populations at the proposed conservation site; (c) a long-term management plan which includes objectives, management practices, monitoring protocols, adaptive management strategies, and reporting requirements; and (d) details regarding the establishment of a non-wasting endowment to perpetually fund management of the conserved land, or such other funding mechanism acceptable to CDFW.

If the rare plant mitigation plan proposes enhancement or restoration, the plan shall include at minimum: (a) collection/salvage measures for plants or seed banks, to retain intact soil conditions and maximize success likelihood; (b) details regarding storage of plants or seed banks; (c) location of the proposed recipient site, and detailed site preparation and plant introduction techniques

details for top soil storage, as applicable; (d) time of year that the salvage and replanting or seeding will occur and the methodology of the replanting; (e) a description of the irrigation, if used; (f) success criteria; and (g) detailed monitoring program, commensurate with the plan's goals.

MM BIO-2 Best Management Practices. To avoid impacts to special-status resources and inadvertent disturbance, the following monitoring requirements and Best Management Practices (BMPs) shall be implemented:

a. Construction vehicles shall not exceed 15 miles per hour on unpaved roads adjacent to the project site or the right-of-way accessing the site.

b. The Applicant, or its contractors, shall screen, cover, or elevate at least one foot above ground, all construction pipe, culverts, or similar structures with a diameter of three inches or greater that are stored on site overnight. These pipes, culverts, and similar structures shall be inspected by the Project biologist for wildlife before such material is moved, buried, or capped.

c. Construction activities shall occur during daytime hours to the greatest extent feasible. If construction must occur at nighttime, lights shall be oriented in such a way that they direct light downward and toward the active construction, ensuring that no direct light is emitted towards adjacent lands, and shields or deflectors shall be installed on lights to reduce light spill. Nighttime concrete pouring shall be performed in accordance with the City of Rialto Municipal Code.

d. A biologist shall flush special-status species (i.e., avian or other mobile species), with the exception of burrowing owl, from suitable habitat areas within the Project development footprint to the maximum extent practicable immediately (e.g., within 24 hours) prior to initial vegetation removal activities. The biologist shall flush wildlife by walking through habitats to be imminently removed and towards adjacent open space.

e. At the end of each workday during construction, the applicant, or its contractors, shall cover all excavated, steep-sided holes or trenches more than eight inches deep and that have sidewalls steeper than 1:1 (45 degree) slope with plywood or similar materials, or provide a minimum of one escape ramp per 100 feet of trenching (with slopes no greater than 3:1) constructed of earth fill or wooden planks. The applicant, or its contractors shall thoroughly inspect holes and trenches for trapped animals each workday.

f. Contractors shall not permit pets on the construction site.

g. If trash and debris need to be stored overnight during maintenance activities, fully covered trash receptacles that are animal-proof and weather-proof shall be used by the maintenance contractor to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Alternatively, standard trash receptacles may be used during the day but must be removed or emptied each night.

h. To prevent inadvertent disturbance to areas outside the limits of work, the construction limits shall be clearly demarcated (e.g., installation of flagging or temporary visibility construction fence) prior to ground-disturbance activities, and all construction activities, including equipment staging and maintenance, shall be conducted within the marked disturbance limits. The work limit delineation shall be maintained throughout Project

construction.

i. The Applicant, or its contractors, shall avoid the use of invasive plant species in the associated landscaping.

j. Prior to initial ground disturbing activities, a Worker Environmental Awareness Program (WEAP) shall be prepared, which will include a training presentation and key fact sheet. The training will instruct construction crews to be aware of and recognize sensitive biological resources that may be encountered within, or adjacent to, the Project. The training will provide workers with instructions to follow in the event a sensitive species is observed or suspected to be on site. Biologists shall provide WEAP training materials, including but not limited to the key fact sheet, to construction personnel before their commencement of work on the Project. Additionally, all construction staff shall attend the WEAP training presentation prior to beginning work on site. Upon completion of the WEAP training, each member of the construction crew shall sign a form stating that they attended the training, understood the information presented, and agreed to comply with the requirements set out in the WEAP training. Biologists shall provide updates relevant to the training to construction personnel during the safety ("tailgate") meetings, as needed.

MM BIO-3A Burrowing Owl Preconstruction Surveys. No less than 14 days prior to the onset of construction activities, a qualified biologist shall survey the construction limits of the project site and a 500-foot buffer for the presence of burrowing owls and occupied nest burrows. A second survey shall be conducted within 24 hours prior to the onset of construction activities. Time lapses between Project activities greater than one week (7 days) would trigger subsequent 24-hour take avoidance surveys to confirm burrowing owl absence. The surveys shall be conducted in accordance with the most current CDFW survey methods. If burrowing owls are not observed during clearance surveys or biological monitoring, no additional conditions are required to avoid impacts to burrowing owl.

The Project Applicant shall submit at least one burrowing owl pre-construction survey report to the satisfaction of the City to document compliance with this mitigation measure. For the purposes of this measure, "qualified biologist" is a biologist who meets the requirements set forth in the BUOW Guidelines (CDFW 2012).

MM BIO-3B Burrowing Owl Plan or CESA ITP. If burrowing owls, active burrows, or signs thereof are confirmed during any survey or biological monitoring, Project activities with the potential to impact burrowing owl shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing on-site grading with the potential to impact burrowing owl. The Burrowing Owl Plan shall describe proposed avoidance, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities with the potential to impact burrowing owl shall not occur within 500 feet of an active burrow until CDFW approves the Burrowing Owl Plan.

If Project activities, including occupied burrow exclusion and closure, could result in take of burrowing owl, the applicant shall coordinate with CDFW for appropriate CESA authorization (i.e., ITP under CFGC section 2081) prior to commencement of on-site grading with the potential

to impact burrowing owl. The ITP shall describe, at a minimum, Project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition.

The conditions of the permit or measures outlined in the plan shall be adhered to by the applicant and any required compensatory mitigation of habitat would be provided.

MM BIO-4A Crotch's Bumble Bee Surveys. At a minimum, two pre-construction nesting surveys shall be conducted prior to Project implementation. Surveys shall occur within 1) one week; and 2) within 24-hours prior to any vegetation removal or ground-disturbing activities scheduled to occur during the Crotch's bumble bee flight season (February through October). Surveys shall follow the guidelines provided in the CDFW's *Survey Considerations for CESA Candidate Bumble Bee Species* (2024b) and shall occur within the project site and areas adjacent to the project site where suitable habitat exists. The surveyors shall be qualified biologists familiar with Crotch's bumble bee identification and life history.

MM BIO-4B Crotch's Bumble Bee CESA ITP. Suitable Crotch's bumble bee habitat and Crotch's bumble bee presence has been confirmed on the site; therefore, a CESA ITP shall be applied for and obtained prior to the commencement of on-site grading with the potential to impact Crotch's bumble bee. The ITP shall include, at a minimum, a description of Project activities and equipment, proposed avoidance/buffers, identification of temporary and permanent impacts, monitoring requirements, relocation and/or translocation protocols, and compensatory mitigation measures. Compensatory mitigation will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted). ITP compensatory mitigation shall be satisfied by one or more of the following mechanisms: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition.

MM BIO-4C Crotch's Bumble Bee Biological Monitor. A qualified biological monitor shall conduct full-time monitoring during removal of suitable nectar plants that is scheduled to occur during the queen flight period (February through March), colony active period (April through August), and/or gyne flight period (September through October). The monitor shall have authority to temporarily halt or redirect activities as needed to avoid unauthorized impacts.

MM BIO-5A Nesting Bird Surveys. To ensure compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513 and to avoid potential impacts to nesting birds, vegetation clearing and ground-disturbing activities shall be conducted outside of the bird nesting season (generally February 15 through August 31), if feasible. Regardless of the time of year, a qualified biologist shall conduct a nesting bird survey within three (3) days prior to any disturbance of the site, including but not limited to vegetation clearing, disking, demolition activities, staging, or grading.

MM BIO-5B Nesting Bird Surveys. If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species

observed. Buffer areas shall be avoided until the nests are no longer occupied, and the juvenile birds can survive independently from the nests. During construction activities, the qualified biologist shall continue biological monitoring activities at a frequency recommended by the qualified biologist using their best professional judgment. If nesting birds are documented, avoidance and minimization measures may be adjusted and construction activities stopped or redirected by the qualified biologist to avoid take of nesting birds.

If nesting birds are not documented during the pre-construction survey, adherence to additional measures may not be necessary to avoid impacts to nesting birds.

MM BIO-6A Special-Status Preconstruction Lizard Surveys. Within 30 days prior to the commencement of any on-site Project activities, a qualified biologist shall conduct pre-construction surveys in suitable special-status lizard habitat throughout the project site. Project-related activities that would result in ground disturbance include any construction, vegetation removal, and equipment and vehicle access, parking, and staging.

The qualified biologist shall have familiarity with special-status lizard species as recognized by CDFW. A minimum of one daytime survey during suitable weather for lizard activity shall be conducted by walking linear transects spaced to provide 100 percent coverage of suitable habitat. The location of any observed special-status lizards shall be documented. If feasible, the locations of any special-status lizards shall be avoided. Avoidance measures shall be monitored by the qualified biologist.

MM BIO-6B Special-Status Preconstruction Lizard Surveys. If pre-construction surveys are positive for coastal whiptail, coast horned lizard, or Southern California legless lizard and avoidance is not feasible, CDFW shall be notified in writing. In addition, relocation of all observed special-status lizard individuals shall be attempted and, if feasible, lizards would be relocated to the nearest available suitable habitat on conserved land in consultation with CDFW.

Facts in Support of the Finding:

Special-Status Plant Species

Parry's spineflower was not detected on the Project site during the general biological survey; however, this species was observed during focused rare plant surveys conducted within the species' typical blooming period (April – June) in 2025. Parry's spineflower was found within the chaparral vegetation community near the center of the Project site. Occurrences were primarily associated with open shallow basins consisting of lower growing perennial species such as California matchweed with larger chaparral species such as chamise and holly-leaved cherry (*Prunus Illicifolia*) on the margins. Approximately 1,200 individuals of Parry's spineflower were documented on site; please refer to Appendix D for the full survey results. Surveys were positive for Parry's spineflower; therefore, this species would be impacted with Project implementation. As set forth in MM BIO-1, compensatory mitigation would be required to conserve, enhance, or restore Parry's spineflower habitat at a minimum ratio of 1:1 and a rare plant mitigation plan would be developed and implemented. Therefore, with mitigation, the removal of Parry's spineflower on site would not result in a substantial adverse effect on the species. Additionally, the Project would

implement MM BIO-2, which would require the avoidance of invasive species in landscaping. This would ensure that competition from invasive species would not negatively impact the proliferation and survivorship of Parry's spineflower. Impacts to Parry's spineflower can be mitigated to a less than significant level. The proposed Project would not impact other special-status plants as no additional special-status species were observed and none have a moderate to high potential to occur within the Project site due to lack of suitable habitat. (**DEIR at 4.3-19**).

Threatened and Endangered Wildlife Species

Despite negative survey results, suitable habitat for burrowing owl (State candidate species for listing under the CESA) is present on site; therefore, this species may be impacted by Project implementation if present on site during construction. Crotch's bumble bee (State candidate for listing under the CESA) was observed on the Project site and may be impacted by Project implementation. The proposed Project will not impact any additional federally and/or state-listed wildlife species, as no additional listed species were observed during general biological surveys and none have moderate to high potential to occur on site based on lack of suitable habitat and the isolated nature of the site. These potential impacts are discussed in detail at **DEIR pages 4.3-19 to 4.3-21**.

To avoid direct impacts on burrowing owls, pre-construction clearance surveys, CDFW consultation, and best management practices as outlined in MM BIO-2, MM BIO-3A, and MM BIO-3B would be implemented. With implementation of the mitigation measures, direct impacts on burrowing owls, if present, would be reduced to less than significant. Additionally, a potentially significant impact could occur if burrowing owl is present adjacent to the Project site during nighttime construction that involves the use of lighting. Such impacts are potentially significant because lights could reduce burrowing owls' hunting success and make burrowing owls easier targets for predators. To avoid potential impacts on burrowing owl from nighttime construction and lighting, construction would occur during the day as outlined specifically in MM BIO-2(c).

Further, a potentially significant impact could occur if burrowing owl is present in the suitable habitat west of the Project site due to elevated noise, vibration, and dust levels generated by construction equipment. However, these disturbances are temporary and relatively short in duration, thus unlikely to affect burrowing owl behavior. In addition, as outlined in MM BIO-3A and MM BIO-3B, burrowing owl pre-construction surveys would include a 500-foot buffer around the Project site; therefore, burrowing owls occurring near to the site would be detected, if present. If burrowing owls are detected within 500 feet of the Project site, CDFW would be consulted for additional guidance. As such, impacts during Project construction are anticipated to be less than significant. Therefore, with adherence to MM BIO-1, MM BIO-3A, and MM BIO-3B, potential impacts to burrowing owl would be reduced to less than significant.

Prior to initial ground disturbing activities, as required by MM BIO-1(j), construction personnel would be provided training with instructions to follow in the event a Crotch's bumble bee nest is observed or suspected to be on site. In accordance with MM BIO-4A, pre-construction surveys would be conducted to locate any active Crotch's bumble bee nests within or adjacent to construction areas, if nests are detected, as required under MM BIO-4B. Avoidance and minimization measures as outlined in project-specific permits (i.e., CESA ITP) would be followed

to ensure unauthorized take does not occur. In addition to nests, impacts could occur to Crotch's bumble bee if a bee enters the Project site during active construction. In compliance with MM BIO-4C, a biological monitor would be present on site during removal of suitable nectar sources and if an individual is identified, would stop construction work to allow Crotch's bumble bee to move out of harm's way. MM BIO-1 would also require compliance with construction BMPs to further avoid or minimize the potential for direct adverse impacts to Crotch's bumble bee during construction activities.

Project implementation could still result in a potentially significant impact on Crotch's bumble bee through destruction or degradation of suitable habitat, including nectar sources and potential nest burrows located on the Project site. As set forth in MM BIO-4B, however, ITP compensatory mitigation shall be provided by one or more of the following mechanisms: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition. Therefore, with mitigation, the removal of Crotch's bumble bee habitat on-site would not result in a substantial adverse effect on the species.

Indirect impacts on Crotch's bumble bee, if present adjacent to the Project site, could occur during construction due to elevated noise, vibration, and dust levels generated by equipment. These disturbances are temporary and relatively short in duration and are unlikely to affect Crotch's bumble bee behavior. As such, indirect impacts during Project construction are anticipated to be less than significant in this regard. Adherence with the mitigation measures listed above would ensure impacts to Crotch's bumble bee would be less than significant. It should be noted, if Crotch's bumble bee is no longer a candidate or listed species under CESA at the time of Project construction, then these mitigation measures would not be required. (**DEIR at 4.3-19 to 4.3-21**).

Special-Status Wildlife Species

As identified in **DEIR Table 4.3-1**, it was determined that six additional non-listed special-status wildlife species have a moderate to low-to-moderate potential to occur on the Project site: California horned lark, loggerhead shrike, prairie falcon, merlin, coast horned lizard, and Southern California legless lizard. Additionally, four non-listed special-status species were observed on-site; Cooper's hawk, coastal whiptail, Costa's hummingbird, and Lawrence's goldfinch. None of the special-status wildlife species identified above are federally or State listed as endangered or threatened. The Project's potential to impact species or indirectly impact foraging and movement behavior of species is discussed in detail at **DEIR pages 4.3-21 to 4.3-23**.

Suitable foraging habitat for Costa's hummingbird, Lawrence's goldfinch, California horned lark and loggerhead shrike is present within proximity to the Project site and is abundant throughout the region. In addition, as required by MM BIO-4B, compensatory habitat mitigation lands for Crotch's bumble bee are likely to also be suitable for these four non-listed avian species. As such, removal of suitable foraging habitat would be less than significant. However, Project construction activities could result in potentially significant impacts on nesting Costa's hummingbird, Lawrence's goldfinch, California horned lark and loggerhead shrike, if nests are present. Vegetation trimming or removal of suitable habitat within an active breeding territory could result in harassment, injury, damage or destruction of an active nest, and/or death of adults, eggs, and/or

young during construction activities. The Project would implement MM BIO-2, which would require best management practices including flushing species from the site prior to vegetation removal. Additionally, MM BIO-5A and MM BIO-5B would require compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513, avoidance of nesting season if feasible, nesting bird surveys 3 days prior to site disturbance, and buffers to be established around active nests.

Indirect impacts on Costa's hummingbird, Lawrence's goldfinch, California horned lark, and loggerhead shrike, if present adjacent to the Project site, could occur during construction due to elevated noise, vibration, and dust levels generated by equipment. These disturbances are temporary and relatively short in duration and are unlikely to affect Costa's hummingbird, Lawrence's goldfinch, California horned lark, or loggerhead shrike behavior. As such, indirect impacts during Project construction are anticipated to be less than significant. Overall, with implementation of MM BIO-2, MM BIO-4B, MM BIO-5A, and MM BIO-5B, impacts to Costa's hummingbird, Lawrence's goldfinch, California Horned Lark and Loggerhead Shrike would be less than significant. Cooper's hawk, prairie falcon and merlin are not anticipated to nest on or immediately adjacent to the Project site and impacts on Cooper's hawk, prairie falcon, and merlin would be less than significant. Suitable nesting habitat is not present for any of these raptor species. Prairie falcon primarily nests on ledges and cliffs which are absent from the project site, and merlin is not known to nest in Southern California. The project site also lacks woodlands appropriate for Cooper's hawk nesting. (**DEIR at 4.3-22**).

Vegetation clearing and grading and other construction activities could result in harassment, injury, and/or death of coastal whiptail, coast horned lizard and Southern California legless lizard. Therefore, Project construction activities could result in a potentially significant impact on these special-status species, if present on site. As set forth in MM BIO-2 construction best management practices would be implemented. As outlined in MM BIO-6A and MM BIO-6B, pre-construction surveys for the special-status lizard species would be required, if identified and avoidance is not feasible, species would be relocated. Therefore, Project implementation would not result in potential direct harassment, injury, and/or mortality of coastal whiptail, coast horned lizard, and Southern California legless lizard and impacts would be less than significant with MM BIO-2, BIO-6A, and MM BIO-6B. (**DEIR at 4.3-23**).

Potential Significant Impact (Threshold 4.3-4): The EIR evaluated and concluded that the Project could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Finding: Based on the entire record, the City Council finds that this impact is potentially significant, but can be mitigated to a less than significant level through implementation of Mitigation Measure BIO-5, as provided above. The Mitigation Measures are adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.3 of the DEIR. The following Mitigation Measures will mitigate Project-specific and cumulative impacts related to the movement of

native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or native wildlife nursery sites.

Mitigation Measures

Implement MM BIO-5.

Facts in Support of the Finding: The Project site does not function as part of a wildlife corridor. However, important connectivity corridors occur less than one mile north of the Project site in association with Lytle Creek Wash, which is identified in the Rialto General Plan as unique and valuable habitat. Due to the site's proximity to an important connectivity area, the Project area could potentially be used by wildlife as a refuge between larger areas of naturally occurring habitat. However, the Project site does not contain large areas of contiguous native vegetation and is surrounded by development. Therefore, only species capable of flight would be able to use the site as a stepping stone between habitats. Implementation of the Project would preclude the use of the site as a stepping-stone refuge. However, other nearby green spaces, such as Alec Fergusson Park, Sierra Lakes, and Roger Birdsall Park, provide suitable refugia for flight-capable species. As such, Project implementation would not substantially interfere with wildlife movement opportunities or a wildlife corridor, and impacts would be less than significant.

The Project has the potential to impact nesting migratory birds that have acclimated to urban life and nest and forage in the local trees and shrubs. The Project site contains habitat with the potential to support avian nests and impacts on nesting birds. The proposed Project has the potential to impact active bird nests if vegetation is removed or ground disturbing activities are initiated during the nesting season. The direct injury or death of a migratory bird due to construction or other disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered a significant impact as impacts on nesting birds are prohibited by the MBTA and/or California Fish and Game Code Section 3503. The Project would implement MM BIO-5A, which would require compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513, avoidance of nesting season if feasible, and nesting bird surveys three days prior to site disturbance, and MM BIO-5B, which would require buffers to be established around active nests. Adherence to MM BIO-5A and MM BIO-5B would ensure Project implementation would result in a less than significant impact to migratory birds. Therefore, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. (**DEIR at 4.3-23 to 4.3-24**).

Potential Significant Impact (Threshold 4.3-5): The EIR evaluated and concluded that the Project could conflict with local policies or ordinances protecting biological resources.

Finding: Based on the entire record, the City Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure BIO-3A, as discussed below. The Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue

area are discussed in detail in Section 4.3 of the DEIR. The following Mitigation Measure will mitigate Project-specific and cumulative impacts relative to this issue area:

Mitigation Measures

Implement MM BIO-3A.

Facts in Support of the Finding: The Project site is within the Burrowing Owl Overlay Zone identified on the San Bernardino County Biotic Resources Map. However, the Project site has been subject to a variety of human disturbances and is bordered by industrial development. These disturbances have heavily impacted the natural plant communities, which reduces potential foraging and nesting/denning opportunities for wildlife species. Pursuant to San Bernardino County requirements, focused surveys and pre-construction surveys for burrowing owl are necessary to determine presence/absence within the Project site. Focused surveys have been conducted, and no burrowing owl individuals or active signs were observed during the general biological survey on October 29, 2024, nor during focused surveys between October 29, 2024, and January 31, 2025. Despite negative survey results, burrowing owl could forage, seek refuge, and/or breed on site in the future due to the presence of suitable habitat and burrows throughout the Project site. As set forth in MM BIO-3A, pre-construction clearance surveys for burrowing owls would be conducted in accordance with CDFW's Staff Report on Burrowing Owl Mitigation. As such, the Project would not conflict with the County of San Bernardino Biotic Resources Overlay Zones.

Rialto General Plan Policy 2-39.3 outlines continued support for the Delhi Sands Flower-loving Fly. It was determined the Project site does not contain suitable soils for Delhi Sands flower-loving fly. As such, protocol surveys are not required, and the Rialto General Plan policy related to this species is not applicable. Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources. (**DEIR at 4.3-25**).

Cumulative Impacts

Past, present and reasonably foreseeable future projects are required to implement measures, as set forth in their respective CEQA documents, consistent with federal, State, and local regulations to avoid adverse effects to existing biological resources or to mitigate for significant impacts to these resources. The types of measures required for projects impacting protected habitat, species, and regulated resources can include avoidance, project design features, regulatory approvals, best management practices, and mitigation measures. With implementation of MM BIO-1 through MM BIO-6, the proposed Project would not cause a significant impact to biological resources. Mitigation would include construction BMPs to avoid potential impacts and disturbance to special status species, and Parry's spineflower, burrowing owl, nesting bird, Crotch's bumble bee, Coastal whiptail, Coast horned lizard, and Southern California legless lizard pre-construction surveys and avoidance measures. Project level impacts would be less than significant with the implementation of these measures and therefore would not contribute to a cumulative impact. Additionally, as discussed in this section, the Project site does not contain riparian habitat or any other water resources.

The Project site does not contain waters, including wetland waters, that are subject to federal jurisdiction under Section 404 of the CWA. The Project site is not located within a designated protected area, which may support species and habitats that are sensitive and rare within the region or may function as a migration corridor for wildlife. Lastly, the Project would not conflict with any local policies or ordinances protecting biological resources. Therefore, with the implementation of MM BIO-1 through MM BIO-6, the Project would not contribute to a cumulative effect on biological resources including sensitive species, protected habitat, or wetland resources. Therefore, the Project would not contribute to a cumulatively considerable impact. (**DEIR at 4.3-25 to 4.3-26**).

5.2.3 Cultural Resources

Potential Significant Impact (Threshold 4.4-1): The EIR evaluated and concluded that the Project could cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5.

Findings: Potential impacts of the Project on cultural resources are discussed in Section 4.4 of the DEIR. Based on the entire record, the City Council finds there is the potential for impacts to historical resources and that this impact is potentially significant, but can be mitigated to a less than significant level through implementation of Mitigation Measures CUL-1 to CUL-5. These Mitigation Measures are adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to historical resources to below a level of significance:

Mitigation Measures

MM CUL-1: **Retention of Archaeologist**. Prior to issuance of any permit for ground-disturbing activities, the Project Applicant shall provide evidence to the City of Rialto (City) that a qualified professional archaeologist meeting Secretary of the Interior professional qualifications (Project Archaeologist) has been retained.

MM CUL-2: **Cultural Resources Management Plan**. Prior to any ground-disturbing activities the Project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the Project site. The CRMP shall be written in consultation with the Consulting Tribes and shall include the following: approved Mitigation Measures (MM)/ Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the Project schedule.

MM CUL-3: **Cultural Resources Sensitivity Training**. A Cultural Resources Training shall be provided to all construction managers and construction personnel prior to commencing any ground disturbance work within the Project area. The training shall be prepared and conducted or overseen by the Project Archaeologist. The training content shall include, but is not limited to, information about any known cultural resources in Project area and vicinity and the process for inadvertent

discovery. The training may be discontinued when ground disturbance is completed. Construction personnel shall not be permitted to operate equipment within the construction area unless they have attended the training. The Qualified Archeologist or designated Archaeological Monitor and Monitoring Tribes' designated representatives shall attend the pre-grade meeting with the grading contractors to conduct the initial training and explain and coordinate the requirements of the Cultural Resource Management Plan.

MM CUL-4: **Archaeological Monitoring**. The Project Archaeologist shall monitor or supervise archaeological monitors (Monitors) for initial ground disturbing activities. After initial grading, should no cultural resources be present and/or subsurface soils indicate a low likelihood for significant intact resources, the Project Archaeologist shall have the ability to recommend archaeological monitoring be decreased or eliminated after initial ground-disturbing activities are complete, which shall be approved in writing by the City. Any such recommendation shall be specific to archaeological monitoring and not impact the implementation of Mitigation Measures TCR-1 and/or TCR-2.

MM CUL-5: **Inadvertent Discovery of Cultural Resources**. In the event that cultural resources are discovered during Project implementation, all earthwork and ground-disturbing activities shall halt within a buffer of the discovery established by the Project Archaeologist and the Project Archaeologist shall assess the nature and significance of the find. The Project Archaeologist shall coordinate with the City and identify whether the resource is potentially significant and if it requires further evaluation. Work on the other portions of the Project site outside of the buffered area may continue during this assessment period. If the cultural resources are Native American in origin, the Consulting Tribes must be immediately contacted and consulted regarding potential significance and treatment of the resource. Specifically, the Consulting Tribes shall be contacted, as detailed within Tribal Cultural Resources (TCR) Mitigation Measure 3, regarding any pre-contact finds and shall be provided information after the Project Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regard to significance and treatment. For any potential significant cultural resources, the Project Archaeologist shall make recommendations to the City to avoid or mitigate impacts to the resource. If significant pre-contact cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Consulting Tribes for review and comment, as detailed within TCR-1. The Project Archaeologist shall monitor the remainder of the Project and implement the Monitoring and Treatment Plan accordingly. Preservation in place (i.e. avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery to excavate the resource along with subsequent laboratory processing and analysis.

Disposition of significant Native American archaeological materials, such as reburial or curation by a qualified repository within San Bernardino County, shall be agreed upon by the City and Consulting Tribes. Any significant non-Native American archaeological material shall be curated at a public, non-profit institution with a research interest in the materials within San Bernardino County, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. All identified cultural resources shall be recorded on appropriate California

Department of Parks and Recreation (CA DPR 523) series forms and evaluated for significance. All findings shall be included within a Monitoring Report drafted by the Project Archaeologist and submitted to the City and Consulting Tribes for review. Final copies of the Monitoring Report shall be submitted to the City, Consulting Tribes, and South Central Coastal Information Center (SCCIC).

Facts in Support of the Finding: The results of the record search at the South Central Coastal Information Center indicated that three cultural resources have been previously recorded within the Project area, with one historic age resource, CA-SBR-8696H (the Rialto Military Munitions Bunker Complex), partially located within the southwestern portion of the Project site. The record search results also identified 12 cultural resource studies that had been completed within the search area, four of which include a portion of the Project site. Three of the studies overlap with the Project site and focus on cultural resource CA-SBR-8696H; no other resources were identified. The fourth study was conducted in 2007 and analyzed the same area as the Project site. Again, the only resource identified was CA-SBR-8969H.

Resource CA-SBR-8696H is a historic-age resource originally recorded in 1996 and encompasses 2,822 acres including a World War II-era complex with 20 earth-covered bunkers, one of which is located within the boundaries of the Project site and was given the resource name Rialto Military Munitions Bunker Complex. Upon review of previous reports and site records, it was noted that different portions of the historic site were re-visited in 1997, 1998, 2006, and 2010, with the 1998 visitation resulting in a large-scale evaluation effort for the entirety of the site (**DEIR, Appendix E**). As a result of the 1998 evaluation, CA-SBR-8969H was not recommended eligible for listing in the National Register of Historic Places (NRHP) under any criteria. During the 2006 site visit, it was noted that much of the site had been destroyed by development and it was recommended that the site was not eligible for listing in the NRHP or the California Register of Historical Resources (CRHR). The site visit in 2010 noted additional destruction to the historic site and overall lack of integrity. None of the previous cultural resource studies conducted found resource CA-SBR-8969H eligible for listing in the NRHP or the CRHR.

The intensive-level pedestrian survey conducted of the Project site on April 9, 2024 for the DEIR, found the entire site highly disturbed due to prior grading and development with various instances of modern dumping and squatting observed (**DEIR at 4.4-7**). The field survey also confirmed the presence of resource CA-SBR-8696H at the Project site and noted the collapsing entry structure to the bunker and historic debris. As such, Kimley-Horn cultural staff concurred with the prior recommendations that CA-SBR-8696H is not eligible for listing in the NRHP or CRHR and further noted that the site does not meet the definition of a "Historical Resource" or "Unique Archaeological Resource" under CEQA. No new or other resources were identified at the Project site as a result of the survey.

In addition to the walkover survey, research within the National Register, California Register, National Historic Landmarks list, and other cultural databases revealed no other cultural resources. Historical aerial imagery was also reviewed for the presence of a potential resource. The imagery revealed development associated with the Rialto Military Munitions Bunker Complex and grading activities occurring in the northern and southern portions of the Project site from the 1980s through the 2000s. No other potential cultural resources were revealed.

Although the Project site was noted as highly disturbed due to prior grading and development, and no known NRHP or CRHR eligible historical resources were identified, there is the potential for Project implementation to unearth and impact unknown, subsurface cultural resources. Therefore, Mitigation Measure (MM) CUL-1 requires the retention of an archaeologist, MM CUL-2 requires the preparation of a Cultural Resource Management Plan for the Project, MM CUL-3 requires cultural sensitivity training, MM CUL-4 requires archaeological monitoring, and MM CUL-5 outlines appropriate protocol and treatment in the event a cultural resource is discovered. MM CUL-1 through MM CUL-5 would ensure that if an unknown cultural resource is unearthed during Project construction it would not result in a substantial adverse change in the significance of the resource. Therefore, potential impacts to historical resources pursuant to Section 15064.5 would be reduced to a less than significant level with mitigation. (**DEIR at 4.4-7 to 4.4-8**).

Potential Significant Impact (Threshold 4.4-2): The EIR evaluated and concluded that the Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Finding: Based on the entire record, the City Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures CUL-1 to CUL-5. These Mitigation Measures are adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. In addition, the City's Standard Condition SC CUL-1 is applicable to the Project. The impacts related to this issue area are discussed in detail in Section 4.4 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to archaeological resources to below a level of significance:

Mitigation Measure

CUL-1 to CUL-5 are applicable, as provided above.

Facts in Support of the Finding: As noted above, one cultural resource, the World War II-era complex CA-SBR-8696H, was identified as partially located within the southwestern portion of the Project site. In concurrence with prior recommendations, CA-SBR-8696H was found not eligible for listing in the NRHP or CRHR, and the site does not meet the definition of a "Historical Resource" or "Unique Archaeological Resource" under CEQA.

As discussed above, the April 9, 2024, intensive-level pedestrian survey conducted for the Project site found the entire site highly disturbed due to prior grading and development. The field survey confirmed the presence of CA-SBR-8696H at the Project site and noted the collapsing entry structure to the bunker and historic debris. No new or other cultural resources (including other architectural historical resources, prehistoric archaeological resources, or historic archaeological resources) were identified on the Project site as a result of the survey. Further, the extent of prior disturbance indicates there is low potential for intact buried cultural resources at the Project site.

Although low, there is the potential for Project implementation to unearth and impact an unknown, subsurface archaeological resource that could be determined a "Unique Archaeological Resource." Despite the low likelihood of discovery, if a "Unique Archaeological Resource" is discovered during the Project's ground-disturbing activities, a substantial adverse change in the significance of such a resource could occur. The Project would comply with MM CUL-1 through MM CUL-5, which would ensure the discovery of unrecorded cultural resources during construction activities would not result in potential impacts to archaeological resources pursuant to Section 15064.5 and impacts would be less than significant. (**DEIR at 4.4-8**).

Cumulative Impacts

For purposes of cumulative impact analysis to cultural resources, the geographic context for cumulative analysis of the Project is regional and considers both direct and indirect impacts over a wide area. This geographic scope of analysis is appropriate because the archaeological and historical resources within this area are expected to be similar to those that occur on the Project site due to their similar environment, geology, and hydrology. This discussion is focused on the Project's potential for resulting in site-specific impacts that could contribute to a cumulative loss. However, cultural resources impacts are site-specific and not generally subject to cumulative impacts unless multiple projects impact a common resource, or a significant affected resource extends off the site, such as a historic townsite or district. With this consideration, the cumulative analyses for historical and archaeological resources considers whether the Project, in combination with the past, present, and reasonably foreseeable projects, could cumulatively affect any common cultural resources.

The Project could result in potential site-specific impacts to unknown cultural resources discovered during Project construction, especially ground-disturbing activities. However, implementation of MM CUL-1 through MM CUL-5 would reduce the Project's incremental potential impacts to historical and archaeological resources to less than significant and ensure site-specific impacts to cultural resources would not be cumulatively considerable. Other projects within the cumulative study area also have the potential to result in damage and/or loss to unknown cultural resources. Similar to the proposed Project, past, present, and reasonably foreseeable projects in the City would be required to comply with all applicable State, federal, and local regulations concerning preservation, salvage, or handling of cultural resources. Therefore, the Project's contribution to cumulative impacts would be less than significant. Project construction has the potential to disturb unknown human remains.

Compliance with Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, as outlined in SC CUL-1, would require proper treatment in accordance with applicable laws for human remains and reduce potential site-specific impacts to less than significant. Similar to the proposed Project, past, present, and reasonably foreseeable projects in the City would also be required to comply with Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 which would reduce potential adverse impacts to human remains in the cumulative study area. Therefore, the Project's incremental effect is not cumulatively considerable when viewed in connection with the effects of other closely related past projects, the effects of other current projects, and the effects of probable future projects. Thus, cumulative impacts to cultural resources would be less than significant. (**DEIR at 4.4-9 to 4.4-10**).

5.2.4 Geology and Soils

Potential Significant Impact (Threshold 4.6-6): The EIR evaluated and concluded that the Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Finding: Based on the entire record, the City Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure GEO-1. This Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. In addition, the City's Standard Condition SC GEO-1 is applicable to the Project. The impacts related to this issue area are discussed in detail in Section 4.6 of the DEIR. The following Mitigation Measure will mitigate Project level and cumulative impacts related to inadvertent destruction of a unique paleontological resource or site or unique geologic feature to below a level of significance:

Mitigation Measure

MM GEO-1 Paleontological Monitoring. Prior to the issuance of any grading permits, or any permit authorizing ground disturbance, the Project Applicant shall, to the satisfaction of the City of Rialto Community Development Director, demonstrate that a qualified paleontologist has been retained to respond on an as-needed basis to address unanticipated paleontological discoveries. A paleontologist is defined as an individual with an M.S./M.A. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, and who is knowledgeable in the geology and paleontology of the area.

In the event that fossils or fossil-bearing deposits are inadvertently unearthed during excavation and grading activities, all earth disturbing activities within a 100-foot radius of the area of discovery shall be temporarily halted or diverted. The qualified paleontologist shall be contacted to evaluate the significance of the finding and determine an appropriate course of action in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, City staff and the Project Applicant determine that avoidance is not feasible, the paleontologist shall prepare an excavation plan for reducing the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval and the Project Applicant shall implement the approval plan.

Facts in Support of the Finding: The Project site's geologic setting is described in detail at **DEIR page 4.6-5 to 4.6-9**. A paleontological records search conducted by Western Science Center was prepared for the Project on May 13, 2024, which indicates that no known fossil localities have been recorded at the Project site (**DEIR, Appendix F3**). The Project site contains surface artificial

fill underlain by Holocene-aged younger alluvium. These Holocene alluvial deposits are considered too young to potentially yield paleontological resources. Therefore, the Project site's underlying soils have low paleontological sensitivity. As such, it is considered unlikely that unknown paleontological resources would be unearthed during Project implementation. However, if development requires any substantial depth of disturbance, the likelihood of reaching Pleistocene alluvial sediments would increase. (**DEIR at 4.6-13**).

In the event previously unknown paleontological resources are unearthed during Project construction, significant impacts could occur. MM GEO-1 requires the retention of a qualified paleontologist to monitor the site on an as-needed basis. With the implementation of MM GEO-1, potential impacts to paleontological resources would be reduced to a less than significant level.

Cumulative impacts related to paleontological resources are typically site-specific. The analysis herein determined that the proposed Project could result in potentially significant impacts related to the destruction of a previously unknown unique paleontological resource given that the Project site may contain soils conducive for such resources. MM GEO-1 would address this potential as it requires the retention of a qualified paleontologist for monitoring and therefore would reduce impacts to less than significant. Therefore, the Project would not result in incremental effects to paleontology that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. Therefore, with inclusion of MM GEO-1, the Project would not result in a cumulatively considerable impact. (**DEIR at 4.6-14 to 4.6-15**).

5.2.5 Greenhouse Gas Emissions

Potential significant impact (Threshold 4.7-2): The EIR evaluated and concluded that the Project could conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (GHGs).

Finding: Based on the entire record, the City Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures AQ-2 through AQ-5 and GHG-1 through GHG-4. These Mitigation Measures are adopted and incorporated into the MMRP for the Project and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. In addition, LORs GHG-1 to GHG-7 are applicable to the Project. The impacts related to this issue area are discussed in detail in Section 4.7 of the DEIR. The following Mitigation Measures will mitigate impacts related to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases to below a level of significance:

Mitigation Measure

Implement MM AQ-2 to AQ-5 and:

MM GHG-1 On-Site Renewable Electricity Generation. Prior to the issuance of the final Certificate of Occupancy for the building tenant, documentation shall be provided to the City demonstrating that the Project has either: 1) installed solar photovoltaic (PV) panels or other source of renewable energy generation on the site, or 2) otherwise acquired energy from the local utility that has been generated by renewable sources, such that either option will provide 100 percent of the expected building load which is anticipated to be approximately 1.42 kilowatt hours per year [kWh/year] per square foot). Alternatively, the Project may achieve 100 percent of the building's expected energy load through a combination of on-site renewable energy generation and renewable energy purchase.

The final PV generation facility size requires approval by Southern California Edison (SCE). Should SCE limit the facility size, the amounts above shall be limited to the amount of SCE's approval. This mitigation measure applies only to tenant improvements and not the building shell approvals.

MM GHG-2 CALGreen Tier 2. Prior to the issuance of a building permit, the Project Applicant or successor in interest shall provide documentation to the City of Rialto Community Development Department, Building and Safety Division demonstrating that the Project is designed to meet or exceed 2022 CALGreen Tier 2 standards in effect at the time of building permit application.

MM GHG-3 Solid Waste Diversion. Prior to issuance of tenant occupancy permits, the Project operator shall designate a solid waste management coordinator and implement a waste management plan to recycle and/or salvage nonhazardous debris to achieve a minimum 75 percent diversion from landfills. The City of Rialto Community Development Department, Planning Division shall confirm that sales or lease agreements includes contractual language that obligates tenants, operators, or future owners to comply with the solid waste management plan. This mitigation measure applies only to tenant permits and not the building shell approvals.

MM GHG-4 Water Use Efficiency and Conservation Plan. The Project Applicant or designee shall implement a Water Use Efficiency and Conservation Plan that includes the following minimum requirements:

Indoor Conservation Features and Operations:

- Install low-flow Fixtures: Install low-flow toilets at 1.28 gallons per flush, faucets at 1.2 gallons per minute, showerheads at 1.8 gallons per minute, kitchen faucets at 1.8 gallons per minute. In common areas, install faucets at 0.5 gallon per minute and urinals at max of 0.25 gallon per minute/flush. (These fixtures use less water while maintaining efficient performance.)
- Install dual-flush toilets: These toilets offer two flush options: one for liquid waste less than 1 gallon per minute and another for solid waste at 1.28 gallons per minute. (This allows the appropriate use of water for flushing needs.)
- Use water-efficient appliances: The Project Applicant or designee shall install energy-efficient and water-saving appliances with the ENERGY STAR label only.

- Good housekeeping and regular maintenance: The Project Applicant or designee shall regularly check and maintain plumbing fixtures, irrigation systems, and appliances to ensure they are functioning efficiently and not wasting water.

Outdoor Conservation Features and Operations:

- Install only "Smart Irrigation Systems" for community landscaping: The Project Applicant or designee shall use smart sprinkler systems that adjust watering schedules based on weather conditions, soil moisture, and plant needs to avoid over or wasteful watering. The Project Applicant or designee shall also incorporate seasonal specific controls to ensure watering occurs during the most efficient times of day.
- Adjustable Water Pressure Regulator: The Project Applicant or designee shall install pressure regulators to maintain optimal water pressure, preventing overuse and leaks.
- Drought-tolerant landscaping: The Project Applicant or designee shall include native and drought-tolerant vegetation that requires less water to thrive and is known to survive in the City of Rialto. The Project Applicant or designee shall replace drought-tolerant landscaping if it dies through enforceable Project CC&Rs and/or tenant lease agreements.

Facts in Support of the Finding:

City of Rialto Climate Adaptation Plan Consistency

The Rialto Climate Adaptation Plan outlines goals to reduce energy consumption and GHG emissions to become a more sustainable community. The proposed Project would be required to comply with all building codes in effect at the time of construction, which include energy conservation measures mandated by Title 24 of the California Building Standards Code – Energy Efficiency Standards and the California Green Building Standards. Because Title 24 standards require energy conservation features in new construction (e.g., high-efficiency lighting, high-efficiency heating, ventilating, and air-conditioning [HVAC] systems, thermal insulation, double-glazed windows, water-conserving plumbing fixtures), these standards indirectly regulate and reduce GHG emissions. California's Building Energy Efficiency Standards are updated on an approximately three-year cycle. The most recent 2022 standards went into effect January 1, 2023. Further, the Project would comply with the Rialto General Plan policies and State Building Code provisions designed to reduce GHG emissions. The proposed Project would also comply with all SCAQMD applicable rules and regulations during construction and operation and would not interfere with the State's AB 32 goals. (**DEIR at 4.7-21**)

Consistency with SCAG RTP/SCS (Connect SoCal)

On April 4, 2024, SCAG's Regional Council adopted the 2024 - 2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) or Connect SoCal. The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The RTP/SCS embodies a collective vision for the region's future and is developed with input from local governments, county transportation commissions, tribal governments, nonprofit organizations, businesses, and local stakeholders in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. Under SB 375, SCAG's

RTP/SCS establishes GHG emissions goals to reduce GHG emissions in the region by eight percent from 2005 levels by 2020 and 19 percent by 2035.17

Implementation of the RTP/SCS would add 181,200 new miles of transit revenue service, 4,000 new miles of bike lanes and 869 new miles to the Regional Express Lane Network. Strategic investments in infrastructure and transportation would improve access to employment centers and stimulate regional economic growth and opportunity in historically underserved areas. Connect SoCal is an important planning document for the region, allowing public agencies to implement transportation projects in a coordinated manner while qualifying for federal and State funding. Connect SoCal also supports local jurisdictions in making informed land use planning and housing development decisions.

The RTP/SCS plans account for operations and maintenance costs to ensure reliability, longevity, and cost effectiveness. The RTP/SCS are also supported by a combination of transportation and land use strategies that help the region achieve State GHG emissions reduction goals and FCAA requirements, increased housing production, improved equity and resilience, the preservation of natural lands, improvement of public health, increased transportation safety, support for the region's vital goods movement industries and more efficient use of resources. GHG emissions resulting from development-related mobile sources are the most potent source of emissions, and therefore Project comparison to the RTP/SCS is an appropriate indicator of whether the Project would inhibit the post-2020 GHG reduction goals promulgated by the State. The Project's consistency with the Connect SoCal goals is provided in **DEIR Table 4.7-4: Connect SoCal Consistency**.

Compliance with applicable State standards would ensure consistency with State and regional GHG reduction planning efforts. The goals stated in the RTP/SCS were used to determine consistency with the planning efforts previously stated. As shown in **DEIR Table 4.7-4**, the Project would be consistent with the stated goals of the RTP/SCS. Therefore, the Project would not result in any significant impacts or interfere with SCAG's ability to achieve the region's GHG emission reduction target of 19 percent by the year 2035 or the post-2020 mobile source GHG reduction targets. (**DEIR at 4.7-21 to 4.7-22**).

Consistency with the 2022 CARB Scoping Plan

The 2022 Scoping Plan sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. The transportation, electricity, and industrial sectors are the largest GHG contributors in the State. The 2022 Scoping Plan plans to achieve the AB 1279 targets primarily through zero-emission transportation (e.g., electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity and industrial sectors.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-electric (ZEV) vehicle buses and trucks. Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer

rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon dioxide removal projects and technology.

As indicated in **DEIR Table 4.7-3**, approximately 93 percent of the Project's mitigated GHG emissions are from mobile sources that would be further reduced by the 2022 Scoping Plan measures. The City has no control over vehicle emission standards. However, these emissions would decline in the future due to Statewide measures discussed above, as well as cleaner technology and fleet turnover. Several of the State's plans and policies would contribute to a reduction in mobile source emissions from the Project. These include the following:

CARB's Advanced Clean Truck Regulation: Adopted in June 2020, CARB's Advanced Clean Truck Regulation requires truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8.

- **Executive Order N-79-20**: Executive Order N-79-20 establishes the goal for all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035 and all medium and heavy-duty vehicles will be zero-emission by 2045. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of new ZEVs "towards the target of 100 percent."
- **CARB's Mobile Source Strategy**: CARB's Mobile Source Strategy takes an integrated planning approach to identify the level of transition to cleaner mobile source technologies needed to achieve all of California's targets by increasing the adoption of ZEV buses and trucks.
- **CARB's Sustainable Freight Action Plan**: The Sustainable Freight Action Plan which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks. This Plan applies to all trucks accessing the Project site and may include existing trucks or new trucks that are part of the statewide goods movement sector.
- **CARB's Emissions Reduction Plan for Ports and Goods Movement**: CARB's Emissions Reduction Plan for Ports and Goods Movement identifies measures to improve goods movement efficiencies such as advanced combustion strategies, friction reduction, waste heat recovery, and electrification of accessories.

While these measures are not directly applicable to the Project, any commercial activity associated with goods movement would be required to comply with these measures as adopted. The Project would not obstruct or interfere with efforts to increase ZEVs or State efforts to improve system efficiency, nor conflict with the State's progress towards carbon neutrality under the 2022 Scoping

Plan. The Project would also not convert any Natural and Working Lands and/or decrease the urban forest carbon stock in the State, which are areas of emphasis in the 2022 Scoping Plan. In conclusion, the Project does not conflict with the applicable plans that are discussed above. Therefore, impacts would be less than significant with implementation of MM GHG-1 through MM GHG-4 and MM AQ-2 through MM AQ-5. (**DEIR at 4.7-24 to 4.7-25**).

5.2.6 Hazards and Hazardous Materials

Potential Significant Impact (Threshold 4.8-1): The EIR evaluated and concluded that the Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Finding: Based on the entire record, the City Council finds that this impact is potentially significant, but can be mitigated to a less than significant level through implementation of Mitigation Measure HAZ-1. This Mitigation Measure is adopted and incorporated into the MMRP for the Project and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.8 of the DEIR. The following Mitigation Measure will mitigate impacts related to hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials to below a level of significance:

Mitigation Measure

MM HAZ-1 Asbestos Survey and Lead-Based Paint Survey. Prior to approval of a demolition permit by the City of Rialto, an asbestos survey and a lead-based paint survey shall be conducted pursuant to applicable local, State, and federal laws. All asbestos-containing building materials shall be removed prior to structure demolition. Abatement or paint stabilization techniques shall be applied prior to demolition. Such measures shall include removal and stabilization of loose, flaking or peeling paint. Measures shall be taken to ensure that paint chips are not generated in the demolition process. All work shall be performed by an abatement contractor who is certified by the California OSHA Division of Occupational Safety and Health (Cal/OSHA) with properly trained and registered workers. All abatement techniques shall be in accordance with Cal-OSHA and U.S. Environmental Protection Agency (U.S. EPA) protocol and also in conformance with South Coast Air Quality Management District (SCAQMD) rules. All removed asbestos-containing building materials and lead-based paint shall be properly disposed of at a landfill certified to accept said materials, and waste shall be transported under the waste manifest by a certified waste transportation company. Once all of these materials have been removed, structure demolition may commence.

Facts in Support of the Finding:

Construction

The proposed Project would include the demolition of the ammunitions bunker and brick and mortar structure, which were constructed in the 1940s. Given the age of these structures, asbestos-

containing materials (ACMs) and lead-based paint (LBP) could be present. Demolition of structures could expose construction personnel to such materials unless proper precautions are taken to minimize exposure. The potential for release of ACMs and LBP during demolition would be considered a significant impact. Because exposure to such materials can result in adverse health effects in uncontrolled situations, regulations and guidelines pertaining to abatement of and protection from exposure to asbestos have been developed for demolition activities. Consistent with SCAQMD Rule 1403, MM HAZ-1 requires a pre-demolition survey to be conducted, and, if identified, ACMs and LBP would be removed and disposed of by qualified contractors in accordance with State regulations.

Project construction activities would involve the transport, use, and disposal of hazardous materials on and off of the Project site that include fuels, paints, mechanical fluids, and solvents. However, hazardous materials would not be present in such a quantity or used in a manner that would pose a significant hazard to the public. Use and storage of these potentially hazardous materials would be temporary and would cease upon completion of Project construction. Further, should a spill or other hazardous materials incident occur, construction staff would stop work and contact a qualified contractor that is well-versed in handling such a situation. All construction activities would be performed in compliance with the California OSHA Division of Occupational Safety and Health (Cal/OSHA) regulations. Therefore, due to the temporary nature of construction activities, with the implementation of MM HAZ-1 and compliance with applicable State and federal regulations, potential Project construction activities would be mitigated to a less than significant level. (**DEIR at 4.8-18**).

Operations

The proposed Project would include a speculative warehouse. While the future tenants of the building are not currently known, the Project is not anticipated to involve the routine transportation, use, or disposal of hazardous material. The proposed Project would be expected to use limited hazardous materials and substances, which would include cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. Project operations would not create a significant impact through the transport, use, or disposal of hazardous materials since the facilities are required to comply with all applicable federal, State, and regional regulations which are intended to avoid impacts to the public and environment. These regulations of the U.S. EPA, the State Department of Health Services, and the SCAQMD ensure that hazardous materials/waste users, generators and transporters provide operational safety and measures to reduce threats to public health and safety. Therefore, given the insignificant amount of regularly transported hazardous materials and compliance with applicable State and federal regulations, Project operations would not create a significant impact through the transport, use, or disposal of hazardous materials. Impacts would be less than significant, and no mitigation would be required for operational impacts. (**DEIR at 4.8-18**).

The routine transport, use, and disposal of hazardous materials can result in hazards to people and the environment, due to the potential for accidental release. Such hazards are typically associated with certain types of land uses, such as chemical manufacturing facilities, industrial processes, waste disposal, and hazardous material storage and distribution facilities. At full buildout, the Project would include one warehouse building and associated infrastructure improvements. This

land use is not expected to use significant quantities of hazardous materials or to generate significant quantities of hazardous materials requiring transport. The routine transport, use, and disposal of these materials must adhere to federal, State, and local regulations for transport, handling, storage, and disposal of hazardous substances; such as the Hazardous Materials Transportation Act and Hazardous Materials Release Response Plans and Inventory Act, which address safe handling procedures and emergency response procedures in the event of an accidental release. Therefore, following compliance with applicable federal, State, and local regulations, Project operations would not result in a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant, and no mitigation would be required. (**DEIR at 4.8-19**).

Potential Significant Impact (Threshold 4.8-2): The EIR evaluated and concluded that the Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Finding: Based on the entire record, the City Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures HAZ-2 through HAZ-4. These Mitigation Measures are adopted and incorporated into the MMRP for the Project and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.8 of the DEIR. The following Mitigation Measures will mitigate impacts related to hazards to the public or the environment due to upset and accident conditions involving the release of hazardous materials into the environment to below a level of significance:

Mitigation Measures

MM HAZ-2 Munitions Monitor. Prior to issuance of grading permits, the Applicant shall submit proof to the City of Rialto Director of Community Development of the retainment of a munitions expert. A munitions expert must be an individual that is qualified to perform appropriate tasks per Department of Defense Explosives Safety Board Technical Paper-18 (DDESBP TP-18) standards. The munitions expert shall be onsite to monitor grading activities for unexploded ordinances (UXOs) and discarded military munitions (DMMs) and provide daily safety briefings before the start of construction. If UXOs are encountered during this process, the munitions expert shall have the authority to halt all or a portion of construction activities and contact the City of Rialto Police department at (909) 820-2550 to report and determine proper UXO handling and disposal. The munitions expert shall have the authority to halt all or a portion of construction activities at their discretion until such time that an encountered UXO is deemed properly disposed of.

MM HAZ-3 Soil Management Plan. Prior to the issuance of a grading permit, the Applicant shall submit a Soil Management Plan (or equivalent document) to be implemented for construction of the Proposed Project. The objective of the Soil Management Plan is to provide guidance for the proper handling, onsite management, and disposal of impacted soil that might be encountered during construction activities. The plan would include practices that are consistent with the

California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as appropriate remediation standards that are protective of the planned use. Appropriately trained professionals would be on site during preparation, grading, and related earthwork activities to monitor soil conditions encountered. The Soil Management Plan would provide guidelines for the following:

- Identifying impacted soil
- Assessing impacted soil
- Soil excavation
- Impacted soil storage
- Verification sampling
- Impacted soil characterization and disposal

The plan shall outline how Project construction crews would identify, handle, and dispose of potentially contaminated soil; identify the qualifications of the appropriately trained professionals that would monitor soil conditions and conduct soil sampling during construction; coordinate laboratory testing; and oversee disposal. The Soil Management Plan shall also include requirements for documenting and reporting incidents of encountered contaminants, such as documenting locations of occurrence, sampling results, and reporting actions taken to dispose of contaminated materials. In the event that potentially contaminated soils were encountered within the footprint of construction, soils would be tested and stockpiled. The appropriate Certified Unified Program Agency (CUPA) would determine whether further assessment is warranted. The Soil Management Plan shall be submitted to the city and CUPA 45 days prior to the start of construction for review and approval.

MM HAZ-4 Contaminated Soil Treatment. If previously unidentified soil contamination is observed by sight or odor or indicated by testing by a qualified professional using a portable volatile organic compound analyzer during excavation and grading activities, excavation and grading within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented, as contained in the South Coast Air Quality Management District's Rule 1166, to make the area suitable for grading activities to resume. In the event contamination is found, the Applicant shall notify the San Bernardino County Fire Department and the South Coast Air Quality Management District, as applicable. The contaminated soil shall be evaluated and excavated/disposed of, treated in-situ (in-place), or otherwise managed and disposed of in accordance with all applicable federal, State, and local laws and regulations.

Facts in Support of the Finding:

Construction

The Phase I ESA (**Draft EIR, Appendix G1**) identified three RECs at the Project site: the Project site's location within the "160 Acre Area" and "Former Bunker Area" and off-site releases resulting in the Fireworks, Rockets, and Flares Superfund; the historical use of the site for munitions storage; and the unknown suspected use of the site by historic adjacent pyrotechnic facilities. The Phase II ESA (**Draft EIR, Appendix G2**) included a UXO review, geophysical survey, soil sampling and soil vapor sampling and evaluated whether significant releases of hazardous substances have occurred at the Project site including VOCs, organochlorine pesticides, and percolate.

A subsurface evaluation as part of the Phase II ESA included a focused survey, which did not identify the presence of UXOs or DMMs. However, because the survey could not evaluate the entire Project site due to physical limitations, there is still a potential of on-site UXOs and DMMs. Therefore, the proposed Project would implement MM HAZ-2, which would involve a munitions monitor during grading to properly handle and dispose of any encountered UXOs and DMMs.

Further, MM HAZ-3 would require the preparation of and compliance with a soil management plan. With implementation of MM HAZ-2 and MM HAZ-3, accident conditions involving the release of hazardous materials from Project construction would be reduced to a less than significant level.
Soil sampling and soil vapor sampling indicated that benzene was detected at generally low levels at 33 micrograms/m^3 and indicated that a residual benzene source likely does not exist at the Project site. Further, the levels of benzene observed in the soil vapor are commonly observed at commercial and industrial properties. Therefore, benzene in soil vapor does not pose a significant human health risk to indoor air via the vapor intrusion pathway.

The Phase II ESA concluded that the soil and soil vapor results do not suggest that the release of hazardous substances has occurred at the Project site that would result in contamination to the underlying groundwater. Although benzene was identified at low levels, to ensure impacts would be less than significant the Project would implement MM HAZ-4, which outlines compliance with Rule 1166 for previously unidentified soil contamination protocol during Project construction. With the implementation of MM HAZ-4, accident conditions involving the release of hazardous materials from Project construction would be reduced to a less than significant level.

The Project site was not determined to be a contributor to the plume that is the basis for the RFF Superfund site designation. Based on these results, the items previously identified as RECs have been revised to "de minimis" (of minimal environmental concern) conditions because they do not present a threat to human health or the environment. Therefore, with the implementation of MM HAZ-2 through MM HAZ-4, Project construction impacts concerning accidental release of hazardous materials would be less than significant with mitigation. (**DEIR at 4.8-19 to 4.8-20**).

Operations

The proposed Project would involve typical hazardous materials/chemicals associated with warehouse uses such as fuels, paints, mechanical fluids, cleaners, solvents, and fertilizers and pesticides for landscaping. However, the types and quantities of materials used and stored on site would not be of a significant quantity to create a reasonably foreseeable upset or accident. Additionally, any routine use, storage, and transport of hazardous materials during Project operations must adhere to federal, State, and local regulations for transport, handling, storage, and disposal of hazardous substances. Hazardous materials/chemicals such as fuels, cleaners, paints, solvents and fertilizers in low quantities do not pose a significant threat related to the release of hazardous materials into the environment. Therefore, Project operations would not result in the accidental release of hazardous materials. Operational impacts would be less than significant, and no mitigation is required. (**DEIR at 4.8-20**).

Potential Significant Impact (Threshold 4.8-4): The EIR evaluated and concluded that the Project is located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment.

Finding: Based on the entire record, the City Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures HAZ-2 through HAZ-4. These Mitigation Measures are adopted and incorporated into the MMRP for the Project and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.8 of the DEIR. The following Mitigation Measures will mitigate impacts related to hazards to the public or the environment due to upset and accident conditions involving the inclusion within a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 to below a level of significance:

Mitigation Measures

Implement MMs HAZ-2 to HAZ-4.

Facts in Support of the Finding: California Government Code Section 65962.5 requires DTSC to compile a list of hazardous waste facilities that are subject to corrective action. As previously addressed, the Project site is located in the southern portion of the "160-Acre Area" and the "Former Bunker Area" of the RFF Superfund site, which was identified as a REC in the Phase I ESA prepared for the Project. Therefore, a Phase II ESA was conducted which included an unexploded ordnance (UXO) review, geophysical survey, soil sampling and soil vapor sampling and evaluated whether significant releases of hazardous substances have occurred at the Project site including VOCs, organochlorine pesticides, and percolate. As previously discussed under Threshold 4.8-2, the Phase II ESA identified the potential presence of on-site UXOs and DMMs. Therefore, the proposed Project would implement MM HAZ-2 which would require a munitions monitor and MM HAZ-3 which would require a soil management plan.

Additionally, the Phase II ESA concluded that the soil and soil vapor results do not suggest that release of hazardous substances has occurred at the Project site that would result in contamination to the underlying groundwater. Although benzene was identified at low levels and would not pose a human health risk, the Project would implement MM HAZ-4, which outlines compliance with Rule 1166 for previously unidentified soil contamination protocol during Project construction. Overall, the Phase II ESA determined that the Project site would not be a contributor to the plume that is the basis for the RFF Superfund site designation. Therefore, although the Project site is located within the RFF Superfund site, based on the Phase II ESA findings and compliance with MM HAZ-2 through MM HAZ-4, implementation of the Project would not create a significant hazard to the public or the environment and impacts would be reduced to a less than significant level. (**DEIR at 4.8-21**).

Cumulative Impacts

Impacts associated with hazardous materials are often site-specific and localized. The EIR evaluates potential environmental concerns in connection with the Project site and surrounding area. The Environmental Data Resources, Inc. database reviews the findings of various governmental database searches regarding properties with known or suspected releases of hazardous materials or petroleum hydrocarbons within a search radius of up to one mile from the site and serves as the basis for defining the cumulative impacts study area. Although some of the cumulative projects and other future projects associated with community buildout also have potential impacts associated with hazardous materials, the environmental concerns associated with hazardous materials are typically site-specific, excluding the RFF Superfund, and would not be cumulatively significant. Concerning the RFF Superfund, the Project would not disturb the underlying affected groundwater plume as the Project is not anticipated to excavate to a depth of 400 feet below ground surface and, therefore, would not modify or expose the existing Eastern Plume below the Project site (**DEIR at 4.8-22**).

Each project is required to address any issues related to hazardous materials or wastes. Cumulative development projects would be required to assess potential hazardous materials impacts on the development site prior to grading. The Project and other cumulative projects would be required to comply with laws and regulations governing hazardous materials and hazardous wastes used and generated as described previously. Projects must adhere to applicable regulations for the use, transport, and disposal of hazardous materials and implement mitigation in compliance with federal, State, and local regulations to protect against site contamination by hazardous materials. Compliance with all applicable federal, State, and local regulations related to hazardous materials would ensure that the routine transport, use, or disposal of hazardous materials would not result in adverse impacts. Additionally, site-specific investigations would be conducted at sites where contaminated soils or groundwater could occur to minimize the exposure of workers and the public to hazardous substances.

Upon compliance with applicable federal, State, and local regulations governing hazardous materials, and implementation of MM HAZ-1, MM HAZ-2, MM HAZ-3, and MM HAZ-4, the potential risks associated with hazardous wastes would be reduced to a level of less than significant. The incremental effects of the proposed Project related to hazards and hazardous materials are anticipated to be minimal, and any effects would be site-specific. Therefore, the

Project would not result in incremental effects to hazards with respect to hazardous materials that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. Therefore, with inclusion of the above referenced Mitigation Measures, the Project would not result in cumulatively considerable impact to or from hazards or hazardous materials. (**DEIR at 4.8-22**).

5.2.7 Noise

Potential Significant Impact (Threshold 4.12-1): The EIR evaluated and concluded that the Project could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Finding: Based on the entire record, the City Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure NOI-1. This Mitigation Measure is adopted and incorporated into the MMRP for the Project and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.12 of the DEIR. The following Mitigation Measure will mitigate impacts related to noise increases to below a level of significance:

Mitigation Measure

MM NOI-1: Noise Shielding and Muffling. Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and muffling devices consistent with manufacturers' standards or the Best Available Control Technology, which achieve a noise reduction of 10 dBA or greater. All equipment shall be properly maintained, and the Applicant or Owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.

Facts in Support of the Finding:

Construction

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction equipment, including earthmovers, material handlers, and portable generators, can reach high levels. The nearest sensitive receptors are approximately 700 feet to the east and southeast of the Project site. Construction activities would include demolition, site preparation, grading, building construction, paving, and architectural coating, and infrastructure improvement. Such activities would require dozers, excavators, and concrete saws during demolition; graders, dozers, excavators, scrapers and tractors during site preparation and grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, and paving equipment during paving; air compressors during architectural coating; and excavators, pavers, dozers, and rollers during infrastructure improvements. Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). Noise generated by construction equipment, including earthmovers, material handlers, and portable generators, can reach high levels. (**DEIR at 4.12-16**).

Typical noise levels associated with individual construction equipment are listed in **DEIR Table 4.12-9: Typical Construction Equipment Noise Levels**. The Rialto Municipal Code (Municipal Code) does not establish quantitative construction noise standards. Therefore, this analysis uses the Federal Transportation Authority's (FTA's) threshold of 80 dBA (8-hour L_{eq}) for residential uses and 90 dBA (8-hour L_{eq}) for non-residential uses to evaluate construction noise impacts, as well as a review of any increase in ambient noise at nearby sensitive uses (i.e., residential use) by applying an ambient noise level increase threshold of 5 dBA. The noise levels identified in **DEIR Table 4.12-10: Project Construction Noise Levels**, show estimated unmitigated and mitigated exterior construction noise without accounting for attenuation from existing physical barriers. The nearest noise-sensitive receptors are the residential uses located 700 feet to the east and 700 feet to the southeast of the Project site. Additionally, the nearest non-noise sensitive use (i.e., industrial use) is located adjacent to the Project site. As shown in the table, unmitigated exterior construction noise levels could reach 87.5 dBA at the nearest non-noise sensitive use (i.e., industrial use) to the Project site. Therefore, unmitigated exterior construction noise levels at the nearest non-noise sensitive use would not exceed the FTA's 90 dBA L_{eq} threshold. (**DEIR at 4.12-16 to 4.12-17**).

Additionally, unmitigated exterior construction noise levels would range from 50.8 dBA to 64.6 dBA at the nearest noise sensitive uses (i.e., residential uses) to the Project site and the FTA's 80 dBA L_{eq} threshold would not be exceeded (**Table 4.12-10**). Unmitigated construction noise levels at the nearest sensitive uses, however, would exceed the ambient noise threshold during all phases of construction, with the exception of the architectural coating phase. Therefore, the Project would implement Mitigation Measure (MM) NOI-1 to reduce construction noise levels to levels that would not exceed the ambient noise thresholds. MM NOI-1 would require the proper maintenance of construction equipment and the installation of noise shielding/muffling devices. (**DEIR at 4.12-19**).

The Federal Highway Administration states that muffler systems can reduce noise levels by 10 dBA or more. As identified in **Table 4.12-10**, mitigated exterior construction noise levels at noise sensitive uses would not exceed the ambient noise thresholds. Construction equipment would operate throughout the Project site and the associated noise levels would not occur at a fixed location for extended periods of time. Although some sensitive uses may be exposed to elevated noise levels during Project construction, heavy construction equipment would be in motion and construction noise would be acoustically dispersed throughout the Project site (i.e., not concentrated in one area near sensitive uses). The City has set restrictions on construction hours to control noise impacts from construction activities. Municipal Code Section 9.50.070 states that construction activities may only take place between the hours of 7:00 AM and 5:30 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays from October 1 through April 30 and shall only occur between 6:00 AM and 7:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays from May 1 through September 30. The Project would be required to comply with the allowable hours of construction set in the Municipal Code. Project construction noise levels would not exceed the FTA or ambient noise thresholds with implementation of MM NOI-1 and impacts would therefore be less than significant. (**DEIR at 4.12-19**).

Operations

Implementation of the proposed Project would create new sources of noise. The major noise sources associated with the Project that would potentially impact existing and future sensitive receptors include the following: mechanical equipment, truck and loading dock noise, back-up alarms, parking areas, and off-site traffic noise. Municipal Code Section 9.50.050 identifies activities that are unlawful to engage in between the hours of 8:00 PM and 7:00 AM. This includes the loading or unloading any vehicle, or operate or permit the use of dollies, carts, forklifts, or other wheeled equipment that causes any impulsive sound, raucous or unnecessary noise within one thousand feet of a residence. However, Municipal Code Section 9.50.060 notes that sounds generated in commercial and industrial zones that are necessary and incidental to the uses permitted therein are exempt from the provisions of the Municipal Code Chapter 9.50 (Noise Control) including Section 9.5.050 (Controlled Hours of Operation). Additionally, all loading and unloading activities, including the operation of dollies, carts, and forklifts, would occur within the warehouse buildings while trucks are docked. Loading dock doors would also be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior warehouse activities and the exterior loading area. This would attenuate noise emanating from interior activities, and as such, interior loading and associated activities would be permissible during all hours of the day. (**DEIR at 4.12-19 to 4.12-20**).

Mechanical Equipment. Potential stationary noise sources related to long-term operations would include mechanical equipment. Mechanical equipment (e.g., heating ventilation and air conditioning [HVAC] equipment) typically generates noise levels of approximately 52 dBA at 50 feet. HVAC units would be installed on the roof of the proposed warehouse building. The nearest residential sensitive receptors (residential uses to the east/southeast) would be located as close as 2,125 feet from the HVAC equipment at the Project site. At this distance mechanical equipment noise would attenuate to approximately 19.4 dBA, which is well below the City's normally

acceptable residential exterior noise standard (60 dBA). Operation of mechanical equipment would not increase ambient noise levels at sensitive receptors .

Additionally, industrial uses would be located approximately 115 feet southeast from the warehouse building and the mechanical equipment. At this distance, mechanical equipment noise levels would be approximately 44.8 dBA, which is well below the City's normally acceptable exterior noise standard (75 dBA) for general industrial land uses. Further, intervening structures are located between the proposed warehouse structure and the receptors to the east, which would further attenuate HVAC noise levels. Therefore, noise levels associated with mechanical equipment would not exceed the City's noise standards and noise impacts would be less than significant. (**DEIR at 4.12-20**).

Truck and Loading Dock Noise. During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting braking activities; backing up toward the docks; dropping down the dock ramps; and maneuvering away from the docks. Loading or unloading activities would occur on the eastern side of the Project site next to the warehouse building. Typically, heavy truck operations generate a noise level of 70 dBA at a distance of 50 feet. The closest sensitive receptors would be the single-family residences located approximately 1,880 feet east of the nearest proposed loading areas. At this distance, heavy truck and loading dock noise levels would be 38.5 dBA, which would not exceed the City's normally acceptable residential exterior noise standard (60 dBA). Heavy truck operations would not increase ambient noise levels at sensitive receptors. Additionally, industrial uses would be located approximately 200 feet southeast from the proposed loading areas. At this distance, heavy truck and loading dock noise levels would be approximately 58.0 dBA, which is well below the City's normally acceptable exterior noise standard (75 dBA) for general industrial land uses. Heavy truck and loading dock noise levels at the nearest sensitive receptors would be further attenuated by intervening structures. Finally, loading dock doors would also be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior warehouse activities and the exterior loading area. This would attenuate noise emanating from interior activities, and as such, interior loading and associated activities would be permissible during all hours of the day. Therefore, noise levels associated with trucks and loading or unloading activities would not exceed the City's noise standards and noise impacts would be less than significant. (**DEIR at 4.12-20 to 4.12-21**).

Back-Up Alarms. Medium and heady-duty trucks reversing into loading docks would produce noise from back-up alarms (also known as back-up beepers). Back-up alarms produce a typical volume of 97 dBA at one meter (3.28 feet) from the source. The closest sensitive receptors would be the single-family residences located approximately 1,880 feet east of the loading dock areas where trucks could be reversing and maneuvering. At this distance, exterior noise levels from back-up alarms would be approximately 41.8 dBA, which is below the City's normally acceptable residential exterior noise standard (60 dBA). Back-up alarms would not increase ambient noise levels at sensitive receptors. Additionally, industrial uses would be located approximately 200 feet southeast from the proposed loading areas where trucks could be reversing and maneuvering. At this distance, back-up alarm noise levels would be approximately 61.3 dBA, which is well below the City's normally acceptable exterior noise standard (75 dBA) for general industrial land

uses. Therefore, noise levels associated with back-up alarms would not exceed the City's noise standards and noise impacts would be less than significant. (**DEIR at 4.12-21**).

Parking Noise. The proposed Project would provide 365 passenger vehicle surface parking spaces and 398 truck trailer parking stalls. The Project would generate up to 200 trips during the peak hour. For the purpose of providing a conservative, quantitative estimate of the noise levels that would be generated from the vehicles entering and exiting the parking lots, the methodology recommended by FTA for the general assessment of stationary transit noise sources is used. Using FTA's reference noise level of 92 dBA SEL at 50 feet from the noise source, the Project's highest peak hour vehicle trips would generate noise levels of approximately 49.4 dBA L_{eq} at 50 feet from the parking lot. Parking lot noise would occur within the surface parking lots on the Project site. Parking lot noise occurs at the surrounding industrial uses under existing conditions. Parking lot noise would be consistent with the existing noise in the vicinity and would be partially masked by background noise from traffic along surrounding roadways. The closest sensitive receptors would be the single-family residences located approximately 710 feet east of the nearest parking area and east of Locust Avenue. At this distance, parking lot noise levels would be approximately 26.4 dBA, which is below the City's normally acceptable residential exterior noise standard (60 dBA). Parking lot activities would not increase ambient noise levels at sensitive receptors. Additionally, industrial uses would be located approximately 30 feet southeast from the parking areas. At this distance, parking lot noise levels would be approximately 53.8 dBA, which is well below the City's normally acceptable exterior noise standard (75 dBA) for general industrial land uses. Noise associated with parking lot activities is not anticipated to exceed the City's noise standards during operation. Therefore, noise impacts from parking lots would not exceed the City's noise standards and noise impacts would be less than significant. (**DEIR at 4.12-21 to 4.12-22**).

Off-Site Traffic Noise. Implementation of the Project would generate increased traffic volumes along nearby roadway segments. The Project would result in approximately 1,138 daily vehicle trips. In general, traffic noise level increases of less than 3-dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable. Generally, traffic volumes on area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Therefore, permanent increases in ambient noise levels of less than 3 dBA are considered to be less than significant. The Opening Year "Opening Year With Project" and "Opening Year Without Project" scenarios are compared in **DEIR Table 4.12-11: Opening Year Traffic Noise Levels**. As shown in the table, roadway noise levels would range from 68.5 dBA CNEL to 70.7 dBA CNEL without the Project and between 69.1 dBA CNEL and 71.5 dBA CNEL with the Project. The "With Project" noise levels would result in a maximum increase of 1.2 dBA CNEL along North Locust Avenue (between Lowell Street to Persimmon Avenue). No significant impacts would occur and no mitigation is required for off-site traffic noise. (**DEIR at 4.12-22**).

5.2.8 Tribal Cultural Resources

Potential Significant Impact (Threshold 4.16-1): The EIR evaluated and concluded that the Project could cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (a) listed or eligible

for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (b) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency will consider the significance of the resource to a California Native American tribe.

Finding: Based on the entire record, the City Council finds that these impacts are potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures MM CUL-2, MM CUL-3, MM CUL-5, and MM TCR-1 through MM TCR-3. These Mitigation Measures are adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 4.16 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to tribal cultural resources to below a level of significance:

Mitigation Measures

Implement MMs CUL-2, CUL-3 and CUL-5; and the following:

MM TCR-1 Native American Monitoring for Gabrieleño Band of Mission Indians – Kizh Nation. The Project Applicant shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of the first permit that would result in a "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

A copy of the executed monitoring agreement shall be submitted to the City of Rialto prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The agreement would also address the consideration of rotating monitoring with the Morongo Band of Mission Indians.

The monitor shall complete monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project Applicant/City of Rialto upon written request to the Tribe. On-site tribal monitoring shall conclude upon one of the following (1) written confirmation to the Kizh

from a designated point of contact for the Project Applicant or City of Rialto that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the Project are complete; or (2) a determination and written notification by the Kizh to the Project Applicant or City of Rialto that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

MM TCR-2 Native American Monitoring for Morongo Band of Mission Indians. Prior to the issuance of the first permit that would result in a "ground-disturbing activity," the Applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians for the Project. The agreement would also address the consideration of rotating monitoring with the Gabrieleño Band of Mission Indians – Kizh Nation. The Tribal Monitor shall be on-site during all (or as deemed necessary) ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources. The Tribal Monitor can establish a buffer around the discovery.

MM TCR-3 Inadvertent Discovery of a Tribal Cultural Resource. The Consulting Tribes shall be contacted and informed of any pre-contact cultural resources discovered during Project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment (pursuant to Mitigation Measure [MM] CUL-5). Should the find be deemed significant, as defined by CEQA, the find shall be addressed to the protocols outlined in the Cultural Resources Management Plan from MM CUL-2. Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Project Applicant and the City of Rialto for dissemination to the Consulting Tribes.

Facts in Support of the Finding: In compliance with Public Resources Code Section 21080.3.1(b), the City provided formal notification to California Native American tribal representatives identified by the California Native American Heritage Commission. Native American groups may have knowledge about cultural resources in the area and may have concerns about the adverse effects of development on tribal cultural resources as defined in Public Resources Code Section 21074. It is unlikely that tribal cultural resources are present on the Project site, given the pedestrian survey results, record search results, Native American tribal consultations, review of archival and environmental data, and existing site disturbance. While low, there is the potential for tribal cultural resources to be inadvertently unearthed during excavation and grading activities. Therefore, Project construction activities could result in potential impacts to previously unidentified tribal cultural resources or human remains.

The Project would be subject to compliance with MM CUL-2, MM CUL-3, and MM CUL-5, which requires the preparation of a Cultural Resources Management plan to be approved by the Consulting Tribes, a cultural resource sensitivity training, and in the event a cultural resource is discovered, work shall cease within a 60 foot buffer and if the resource is Native American in origin, the Consulting Tribes shall be contacted regarding potential significance and treatment of the resource outlined in MM TCR-3. The Project would also be subject to compliance with MM

TCR-1, which requires the retention of a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation, MM TCR-2 which requires a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians, and MM TCR-3, which outlines protocol in the event of discovery of a tribal cultural resource, including compliance with the Cultural Resource Management plan outlined in MM CUL-2 and coordination with the Consulting Tribes. Additionally, the Project would comply with California State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, as outlined in SC CUL-1, which outlines procedures and treatment in the event human remains are discovered during excavation and disturbance activities. Therefore, compliance with the established regulatory framework and the mitigation measures outlined above would reduce potential impacts to tribal cultural resources to a less than significant level. (**DEIR at 4.16-7 to 4.16-8**).

Cumulative Impacts

For purposes of cumulative impact analysis to cultural and tribal resources, the geographic context for cumulative analysis is regional and considers both direct and indirect impacts over a wide area. However, the discussion is focused on a project's potential for resulting in site-specific impact that could contribute to a cumulative loss. Accordingly, impacts are site-specific and not generally subject to cumulative impacts unless multiple projects impact a common resource, or an affected resource extends off the site. With this consideration, the cumulative analyses for tribal cultural resources considers whether the Project, in combination with the past, present, and reasonably foreseeable projects, could cumulatively affect any common resource. The Project site does not contain any known tribal cultural resources. However, the potential exists for undiscovered tribal cultural resources to be adversely impacted during groundbreaking activities. In the event that a potential tribal cultural resource is found, the Project would implement measures to mitigate further damage to the found tribal resource. Therefore, Project impacts would be reduced to a less than significant level. In addition, future cumulative development projects have the potential to encounter/adversely affect tribal cultural resources. Potential tribal cultural resource impacts associated with other project development would be site-specific and would undergo environmental and development plan review in order to evaluate potential impacts. The combination of the proposed Project as well as past, present, and reasonably foreseeable projects would be required to comply with all applicable State, federal, and local regulations concerning preservation, salvage, or handling of cultural and tribal cultural resources, including compliance with required mitigation. This also includes project-by-project consultation with the appropriate tribal representatives to discuss mitigation measures that would be included to mitigate impacts to tribal cultural resources. Therefore, the Project's contribution to cumulative impacts would be less than cumulatively considerable. (**DEIR at 4.16-8**).

5.3 SIGNIFICANT AND UNAVOIDABLE IMPACTS OF THE PROJECT.

The City Council finds that additional feasible mitigation is not available to further reduce the following Project-level and cumulative impacts related to Greenhouse Gas Emissions to a less than significant level. Therefore, the following Project impacts are significant and unavoidable.

5.3.1 Greenhouse Gases

Significant and Unavoidable Impact (Threshold 4.7-1): The EIR evaluated and concluded that although changes or alterations have been required in, or incorporated into the Project which avoid or substantially lessen the Project's GHG emissions, the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

Finding: Based on the entire record, the City Council finds that despite implementation of all feasible mitigation, the Project's GHG emissions are not capable of being mitigated to below a level of significance.

Mitigation Measures

Implement MM AQ-2 through MM AQ-5 and MM GHG-1 through MM GHG-4.

Facts in Support of the Finding:

Short-Term Construction Greenhouse Gas Emissions

The Project would result in direct emissions of CO_2, N_2O, and CH_4 from construction equipment and the transport of materials and construction workers to and from the Project site. The GHG emissions only occur during temporary construction activities and would cease once construction is complete. The total GHG emissions generated during the construction of the Project are shown in **DEIR Table 4.7-2: Construction-Related Greenhouse Gas Emissions**. The Project would result in the generation of approximately 1,315 $MTCO_2e$ throughout the course of construction. Construction GHG emissions are typically summed and amortized over a 30-year period and then added to the operational emissions. The Project's amortized construction emissions would be 44 $MTCO_2e$ per year. Once construction is complete, the generation of these GHG emissions would cease.

In response to the increase in warehouse development in California, the State of California Department of Justice issued a memorandum in March 2021, entitled *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* (Memorandum). The Memorandum encourages warehouse projects to implement certain best practices, one of which is that construction equipment not in use for more than three minutes be turned off. This Project will follow this best management practice. (**DEIR at 4.7-18**).

Long-Term Operational Greenhouse Gas Emissions

Operational or long-term emissions occur over the life of the Project. GHG emissions would result from direct emissions such as Project-generated vehicular traffic including passenger automobiles and trucks, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power, the energy required to convey water to, and wastewater from the Project, the emissions associated with solid waste generated from the Project, and any fugitive refrigerants from air conditioning or refrigerators. GHG emissions associated with the Project are summarized in **DEIR Table 4.7-3: Project Greenhouse Gas Emissions**. **Table 4.7-3** shows that the Project's unmitigated emissions would be approximately 11,596 $MTCO_2e$ annually from operations with amortized construction.

Therefore, Project-related GHG emissions would exceed the 3,000 $MTCO_2e$ per year threshold. The majority of the unmitigated GHG emissions (82%) are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and federal standards, and neither the Project Applicant nor the City has control over these standards. (**DEIR at 4.7-18**).

DEIR Section 4.2: Air Quality discusses numerous mitigation measures (MM) that would also reduce GHG emissions. For example, MM AQ-2 through MM AQ-5 have been identified to reduce operational emissions. MM AQ-2 requires the Project to use all-electric appliances, and end uses instead of natural gas appliance, as well as prohibits installation of natural gas utility lines or connections. MM AQ-3 requires landscape equipment to be 100 percent electric. MM AQ-4 requires the implementation of a Transportation Demand Management (TDM) program to reduce single-occupant vehicle trips and encourage public transit. MM AQ-5 requires outdoor cargo handling equipment to be zero emissions or alternatively fueled. Further, the Project would implement MMs GHG-1 through GHG-4. MM GHG-1 requires renewable energy to offset energy emissions. MM GHG-2 requires the Project to meet or exceed CALGreen Tier 2 standards to further improve energy efficiency. MM GHG-3 requires the Project to divert 75 percent of waste from landfills. MM GHG-4 requires the Project to implement a Water Use Efficiency and Conservation Plan. **DEIR Table 4.7-3** shows that implementation of these mitigation measures would reduce GHG emissions to 10,172 $MTCO_2e$. As previously noted, the majority of the Project's GHG emissions are generated by mobile emissions. The TDM program required by MM AQ-4 would reduce GHG emissions from commuting. (**DEIR at 4.7-19**).

Additional mitigation to reduce the Project's mobile emissions is not feasible due to the limited ability of the City to address emissions resulting from mobile sources and/or emissions generated by cars and trucks outside of the City's jurisdictional limits. As with all land use projects, the Project's mobile and transportation related GHG emissions are a function of two parameters: emissions control technology and vehicle miles traveled (VMT).

CARB is directly responsible for regulating mobile and transportation source emissions in the State. Regarding the first parameter, California addresses emissions control technology through a variety of legislation and regulatory schemes, including the State's Low Carbon Fuel Standard (Executive Order S-01-07) (LCFS), a regulatory program designed to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and therefore, reduce GHG emissions and decrease petroleum dependence in the transportation sector. The regulatory standards are expressed in terms of the "carbon intensity" of gasoline and diesel fuel and their substitutes. Different types of fuels are evaluated to determine their "life cycle emissions" which include the emissions associated with producing, transporting, and using the fuels. Each fuel is then given a carbon intensity score and compared against a declining carbon intensity benchmark for each year. Providers of transportation fuels must demonstrate that the mix of fuels they supply for use in California meets these declining benchmarks for each annual compliance period.

In 2018, CARB approved amendments to the LCFS, which strengthened the carbon intensity benchmarks through 2030 to ensure they are in-line with California's 2030 GHG emission reduction target enacted through SB 32. CARB is also implementing additional transportation sector regulations such as Advanced Clean Cars II, Advanced Clean Trucks, and Advanced Clean

Fleets. This ensures that the transportation sector is meeting its obligations to achieve California's GHG reduction targets. The Project would be required to comply with these regulations through vehicle manufacturer compliance. The State is also implementing legislation and regulations to address the second parameter affecting transportation related GHG emissions by controlling for VMT. Examples of this include SB 375, which links land use and transportation funding and provides one incentive for regions to achieve reductions in VMT, and SB 743, which discourages VMT increases for passenger car trips above a region-specific benchmark. Additional mitigation to further reduce the Project's non-mobile emissions would be speculative. The Project's mitigation measures address non-mobile emissions to the extent possible, by designing the warehouse building to provide environmental design features, incorporating energy and water conservation measures, and providing electrical, heating, ventilation, lighting, and power systems that meet or exceed CALGreen Standards. The State is addressing the remaining energy-related GHG emissions through SB 100 and SB 1020, which require 100 percent clean electricity retail sales by 2045.

Additionally, SB 905 requires the State to use carbon removal, carbon capture, utilization, and sequestration technologies and AB 1757 requires nature-based sequestration in natural working lands. (**DEIR at 4.7-20**). The Project would be required to comply with SCAQMD Rule 2305 which would directly reduce emissions or to otherwise facilitate emissions reductions. Alternatively, warehouse operators can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby. Although Rule 2305 focuses on air quality pollutant emissions, the rule would facilitate cleaner vehicles and supporting infrastructure that would also result in GHG reduction benefits. (**DEIR at 4.7-20 to 4.7-21**).

Warehouse owners and operators are required to earn WAIRE Points each year. WAIRE points are a menu-based system earned by emission reduction measures. Warehouse operators are required to submit an annual WAIRE Report, which includes truck trip data and emission reduction measures. WAIRE points can be earned by completing actions from a menu that can include acquiring and using natural gas, Near-Zero Emissions and/or Zero-Emissions on-road trucks, zero-emission cargo handling equipment, solar panels or zero-emission charging and fueling infrastructure, or other options. Conservatively, this analysis and the GHG emissions results presented in **DEIR Table 4.7-3** do not take credit for these potential reductions. Compliance with Rule 2305 would likely reduce emissions below what is currently analyzed. As shown in **DEIR Table 4.7-3**, mitigated GHG emissions would exceed the 3,000 $MTCO_2e$ per year threshold despite implementation of all feasible mitigation. Therefore, Project-related GHG emissions would be significant and unavoidable. (**DEIR at 4.7-21**).

Cumulative Impacts

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and TACs, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe. It is generally the case that an individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution

to the global GHG inventory. GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. As discussed above, the Project-related GHG emissions would exceed the 3,000 $MTCO_2e$ threshold of significance despite implementation of MM GHG-1 through MM GHG-4 and MM AQ-2 through MM AQ-5 (refer to Section 4.2: Air Quality). As such, the Project would cumulatively contribute to a significant and unavoidable GHG impact. (**DEIR at 4.7-26**).

5.4 ALTERNATIVES TO THE PROPOSED PROJECT

The EIR analyzed four alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives. CEQA requires evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the Project." Thus, the Project objectives must be considered when the City Council is evaluating alternatives.

The DEIR evaluated a No Development Alternative (Alternative 1); Truck Trailer Parking Alternative (Alternative 2); Business Park Alternative (Alternative 3); and Reduced Warehouse Alternative (Alternative 4).

5.4.1 Alternative 1: No Development Alternative

Pursuant to CEQA Guidelines Section 15126.6(e)(3)(B), the "no project alternative" for a development project on identifiable property is the circumstance under which the proposed project does not proceed, and the discussion of the no project alternative must compare the environmental effects from the Project site remaining in its existing state, versus the environmental effects that would occur if the proposed Project is approved. Accordingly, under the No Development Alternative, the Project site would remain in its existing condition and no development would occur.

Because no construction or development would occur and the Project site would remain vacant under the No Development Alternative, no impacts would occur relative to most of the environmental issue areas evaluated within the DEIR. **(DEIR at 6-6 to 6-9)**. The No Development Alternative would not meet any of the Project objectives. **(DEIR at 6-9)**. Alternative 1 would fail to develop and operate a warehouse that maximizes efficient use of a vacant and underutilized site that is near available infrastructure, major freeways, and other industrial developments. Additionally, this alternative would not provide infrastructure improvements including street and sidewalk improvements, undergrounding existing utilities, and drainage and water quality treatment improvements on Lowell Street and Locust Avenue. Finally, Alternative 1 would also fail to provide expanded economic activity to the City and would also not provide additional employment opportunities. Finally, Alternative 1 would not generate any income to cover the carrying costs necessary to cover the taxes and related expenses. This would conflict with the City's goals of expanding its economic base and providing greater economic opportunity to the City's residents. **(DEIR at 6-9)**.

Finding: Based on the entire record, the City finds that the No Development Alternative would reduce the environmental impacts associated with the Project. However, the

No Development Alternative would not realize any of the Project objectives by maintaining the site in its existing condition without development as an attractive warehouse building and without providing local employment.

5.4.2 Alternative 2: Truck Trailer Parking Alternative

Under the Truck Trailer Parking Alternative, the Project site would be developed as an approximately 40-acre trailer truck and truck-mounted container storage parking facility. The Project site has a Rialto Airport Specific Plan land use designation of General Manufacturing (I-GM), which permits land uses including wholesale and warehousing operations. Under this alternative scenario, no warehouse uses are assumed. Trucks and trailers would be parked while waiting to be moved to and from off-site locations such as nearby warehouse facilities in instances where there are scheduled delays related to trailer drop off or pick up. The Truck Trailer Parking Alternative would include a one-story, 1,500 sf ancillary free-standing small security office building, 15 passenger vehicle parking stalls for employees, and 960 truck trailer parking spaces. Alternative 2 would represent a reduction of 663,359 sf of building area compared to the proposed Project. (**DEIR at 6-10**).

Like the Project, this alternative assumes that the entire Project site would be graded. Therefore, for environmental issues tied to Project site disturbance, they would be the same for the Project and Alternative 2, and therefore, there would be no change in the significance of the potential impacts. This would be the case for the topics of biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources, which would be mitigated to a less than significant level. Similarly, this would also be the case for hydrology and water quality and mineral resources, which would be less than significant. Neither Alternative 2 nor the Project would result in significant aesthetic impacts. Although the building square footage associated with Alternative 2 would decrease, the remaining Project site area would be developed with truck trailer parking and site landscaping. With respect to traffic, Alternative 2 is expected to result in an increase in average daily trips compared to the Project. Alternative 2 would likely result in greater VMT impacts than the proposed Project. Alternative 2 assumes the construction of a facility that is 663,359 sf smaller than the proposed Project. Therefore, a shorter construction schedule, a less intensive site preparation and grading phase of construction, and the use of less construction materials and equipment is anticipated. Accordingly, construction air quality emissions, GHG emissions, energy usage and noise levels would be lower than the proposed Project. However, the increase in average daily trips associated with Alternative 2 would likely result in greater operational air quality emissions, energy usage, GHG emissions, and noise impacts. As with the proposed Project, energy usage impacts would be less than significant, air quality emissions and noise impacts would still be less than significant with mitigation incorporated, and GHG emission impacts would be significant and unavoidable despite implementation of mitigation.

Alternative 2 would fail to develop and operate a warehouse that maximizes efficient use of a vacant and underutilized site that is near available infrastructure, major freeways, and other industrial developments as set forth in Project Objectives 1 through 5. Alternative 2 would provide infrastructure improvements and would provide expanded economic activity to the City and would also provide additional employment opportunities. This alternative would still contribute to the City's goal of positively contributing to the economy through new capital investment, expansion

of the tax base, and creation of new employment opportunities but to a lesser degree than the proposed Project. (**DEIR at 6-14 to 6-15**).

Finding: This alternative would meet some of the Project objectives. However, it would not reduce or avoid any of the significant and unavoidable impacts that would occur under the Project, and may in fact result in worsened transportation impacts due to increased trip generation, as well as corresponding increases in operational air quality emissions, energy usage, GHG emissions, and noise impacts. Therefore, the Truck Trailer Parking Alternative is rejected as infeasible.

5.4.3 Alternative 3: Business Park Alternative

Under the Business Park Alternative, the Project site would be developed as a 667,000-sf business park consisting of multi-tenant, free-standing small buildings with office/commercial-related uses. The Business Park Alternative would accommodate a variety of uses including commercial, flexible office space, meeting rooms, or event space. The buildings would be one story and building height would be consistent with development standards included in the Rialto Airport Specific Plan. Under the Business Park Alternative scenario, no warehouse uses are assumed. Therefore, no truck trailer parking would be provided, and individual buildings would not have dock doors for large trucks. All employee and visitor parking would be provided on the Project site, with 2,224 passenger vehicle parking stalls assumed to be provided for employees. The parking requirements for the Rialto Airport Specific Plan are based on the Municipal Code and would be calculated for administrative/office uses. Alternative 3 would result in an increase of 1,859 passenger vehicle parking spaces and a reduction of 398 truck trailer parking spaces when compared to the proposed Project. (**DEIR at 6-15**).

The Project site has a General Plan land use designation of General Industrial and has a Rialto Airport Specific Plan land use designation of I-GM. Under this alternative scenario, a General Plan Amendment to Business Park would be required. Table 8 of the Rialto Airport Specific Plan identifies permitted uses within the I-GM land use designation, including manufacturing and processing, warehousing and distribution, chemical or petroleum products processing and refining, heavy equipment operations, and similar uses. A business park is not a permitted use or a conditionally permitted use in the I-GM land use designation. Business and commercial uses are permitted under several Specific Plan land use designations including Office/Freeway Commercial (O/FC), Airport-Related Planned Industrial Development (I-AR). Therefore, Alternative 3 would require additional discretionary permits/approvals including a Specific Plan Amendment to allow for the development of a business park on the Project site. (**DEIR at 6-16**).

As with the proposed Project, energy usage impacts would be less than significant, air quality emissions and noise impacts would still be less than significant with mitigation incorporated, and GHG emission impacts would be significant and unavoidable despite implementation of mitigation. (**DEIR at 6-21**). This is because Alternative 3 would result in an increase in average daily trips compared to the proposed Project. Alternative 3 would generate 8,297 daily trips when compared to the 1,138 daily trips, including 455 truck trips (1,908 daily PCE trips) for the proposed Project. As such, Alternative 3 would result in greater GHG emissions compared to the Project during operations. (**DEIR at 6-17**).

Alternative 3 would fail to develop and operate a warehouse that maximizes efficient use of a vacant and underutilized site that is zoned for industrial uses and that is near available infrastructure, major freeways, and other industrial developments. Alternative 3 fails to meet most of the Project's basic objectives because Alternative 3 does not propose a warehouse, which is the Applicant's proposed use for the Project site and in conformance with existing zoning. Development of the site as a business park would require a General Plan Amendment and Specific Plan Amendment. However, Alternative 3 would provide expanded economic activity to the City and would also provide additional employment opportunities. This alternative would also provide infrastructure improvements including street and sidewalk improvements, undergrounding of existing utilities, and drainage and water quality treatment improvements on Lowell Street and Locust Avenue similar to the Project. Alternative 3 would also not conflict with the City's goals of expanding its economic base and providing greater economic opportunity to the City's residents. This alternative would still contribute to the City's goal of positively contributing to the economy through new capital investment, expansion of the tax base and creation of new employment opportunities.(**DEIR at 6-20 to 6-21**).

Finding: This alternative would meet some of the Project objectives. This alternative would result in similar impacts compared to the Project, although it would not avoid the significant and unavoidable GHG emissions impact; in fact, GHG emissions under Alternative 3 would be proportionally greater than the proposed Project due to the increased average daily trips. Because this alternative would not meet the Project objectives and would exacerbate the significant and unavoidable GHG impact that would occur under the proposed Project, the Business Park Alternative is rejected as infeasible.

5.4.4 Alternative 4: Reduced Warehouse Alternative

The proposed Project would result in significant unavoidable GHG emissions. To reduce GHG impacts to a less than significant level, Alternative 4 would reduce the proposed warehouse size by approximately 71 percent, which is equivalent to a 193,220-sf warehouse with 4 dock doors and 137 passenger vehicle parking spaces. Like the proposed Project, Alternative 4 would have 398 truck trailer parking spaces. Alternative 4 would result in a reduction of 471,639 sf of building area when compared to the proposed Project. The implementation of Alternative 4 would not use the entire 40-acre Project site. This alternative assumes the truck trailer parking in the same location as assumed for the proposed Project. When compared to the proposed Project site plan, approximately one-half or more of the warehouse site (the southern portion of the site) would not be developed and would remain vacant. (**DEIR at 6-21**).

For environmental issues where Project site disturbance would be the same for the proposed Project and Alternative 4, there would be no change in the significance of potential impacts. This would be the case for the topics of biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources which would be mitigated to a less than significant level. Similarly, this would also be the case for hydrology and water quality and mineral resources, which would be less than significant. Neither Alternative 4 nor the Project would result in significant aesthetic impacts. Although the building square footage associated with

Alternative 4 would decrease and parking and landscaping would be provided, the southern portion of the Project site would not be developed and would remain vacant. With respect to traffic, Alternative 4 would result in a decrease in average daily trips and would result in lower VMT impacts than the proposed Project. Therefore, like the proposed Project, transportation impacts from Alternative 4 would be less than significant. The reduction in square footage and average daily trips of Alternative 4 would likely result in lower air quality emissions, energy usage, GHG emissions, and noise impacts. A shorter construction schedule, a less intensive site preparation and grading phase of construction, and the use of less construction materials and equipment is anticipated. Accordingly, construction air quality emissions, GHG emissions, energy usage and noise levels would be lower than the proposed Project. Further, the reduction in average daily trips associated with Alternative 4 would reduce operational air quality emissions, energy usage, GHG emissions, and noise impacts. As with the proposed Project, energy usage impacts would be less than significant and air quality emissions and noise impacts would still be less than significant with mitigation incorporated. Under Alternative 4, GHG emissions would be reduced to a less than significant level, while the proposed Project would result in a significant and unavoidable impact. (**DEIR at 6-26**).

Among the factors that may be taken into account when addressing the feasibility of alternatives are attaining project objectives, site suitability and economic viability. Alternative 4 would not meet Project Objective 2 because the construction of a 193,200-sf warehouse, which is more than 71 percent smaller than the proposed Project on less than half of the 40-acre site, does not maximize "the efficient use of a vacant and underutilized and environmentally constrained site." Further, Alternative 4 would not meet Project Objective 5 because a substantially smaller warehouse would have a different tenant base than would be associated with the size of the proposed Project; it may not be "an attractive development" that would "attract quality tenants" and "be competitive with other similar facilities in the region." The significant reduction in total square footage presented in Alternative 4 is of a magnitude that is sufficiently severe as to render this alternative impractical. Furthermore, Alternative 4 would not generate adequate income to cover the carrying costs necessary to cover the taxes and related expenses. Finally, Alternative 4 would not qualify for the necessary financing to develop because of the low returns on investment based on the limited size of the facility and the high costs of remediating and developing on an environmentally contaminated site. Based on the significantly reduced scope, Alternative 4 only partially meets the remaining Project Objectives. Alternative 4 would provide infrastructure improvements including street and sidewalk improvements, undergrounding of existing utilities, and drainage and water quality treatment improvements on Lowell Street and Locust Avenue, but potentially reduced in scale due to the smaller warehouse and development footprint. Additionally, the Reduced Warehouse Alternative would provide expanded economic activity to the City and provide additional employment opportunities, but to a substantially lesser degree than the proposed Project because it would be approximately 71 percent smaller. Alternative 4 would not conflict with the City's goals of expanding its economic base and providing greater economic opportunity to the City's residents, but it would do so to a lesser degree than the proposed Project due to the reduced scale of the warehouse. (**DEIR at 6-25 to 6-26**).

Finding: This alternative would partially meet some of the Project objectives and would avoid the significant and unavoidable GHG emissions impact. However, because the reduced size of this alternative would not meet all of the project objectives,

maximize the productivity of the site and have limited economic viability, the Reduced Warehouse Alternative is rejected as infeasible.

5.4.5 Environmentally Superior Alternative

Based on the summary of information presented in **Draft EIR Table 6-4, Summary of Proposed Project and Alternatives Impacts,** the environmentally superior alternative is Alternative 1: No Development Alternative. Because Alternative 1 would leave the Project site unchanged and would not have the construction or operational impacts that would be associated with the Project, Alternative 1 would avoid all impacts as compared to the Project or any of the other alternatives.

CEQA Guidelines Section 15126.6(e)(2) states that if a "no project" alternative is found to be environmentally superior, "the EIR shall also identify an environmentally superior alternative among the other alternatives." Aside from the No Development Alternative, Alternative 4: Reduced Warehouse Alternative would have the least environmental impacts because it would incrementally reduce all impacts and avoid the significant and unavoidable GHG impact that would occur under the proposed Project.

However, while the Reduced Warehouse Alternative is the environmentally superior alternative, it would fail to meet two Project objectives and only partially meets the remaining Project objectives. (**DEIR at 6-29 to 6-30**).

6.0 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA and the CEQA Guidelines Section 15093 provide, in part, the following:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b)

When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of

Determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The City of Rialto, having reviewed and considered the information contained in the Final EIR for the Project, Responses to Comments and the public record, adopts the following Statement of Overriding Considerations that have been balanced against the unavoidable adverse impacts in reaching a decision on this Project.

To the extent that the significant effects of the Project are not avoided or substantially lessened to below a level of significance, the City of Rialto, having reviewed and considered the information contained in the EIR and the public record, and having balanced the benefits of the Project against the unavoidable effects which remain, finds that such unmitigated effects to be acceptable in view of the following overriding considerations. The City finds that any one of these Project benefits standing alone would be sufficient to sustain the Statement of Overriding Considerations:

1. All feasible mitigation measures have been imposed to lessen Project impacts to less than significant levels; and furthermore, alternatives to the Project are infeasible because while they have similar or less environmental impacts, they do not provide the benefits of the Project, or are otherwise socially or economically infeasible when compared to the Project, as described in this Findings of Fact.

2. The Project will provide electric passenger car charging infrastructure.

3. The Project has committed, by way of binding enforceable mitigation, to provide 100 percent of the expected building's energy load from a combination of on-site renewable energy generation such as solar photovoltaic panels and/or renewable energy purchase.

4. The Project will develop a currently vacant and underutilized site that is environmentally constrained due to its location within the former bunker area of the larger Rockets, Fireworks, and Flares Superfund site, and will ensure the careful and thorough removal of any unexploded ordinances and discarded military munitions that may be present on the site prior to development, thus resulting in reduced hazards and increased safety for the surrounding community.

5. The Project will provide infrastructure improvements including street and sidewalk improvements to Lowell Street and Locust Avenue, undergrounding of existing utilities, and drainage and water quality treatment improvements.

6. Construction spending will create a one-time stimulus to the local and regional economies.

7. The Project will enhance the City's fiscal health through increased property taxes, sales taxes, and other local revenue streams. These revenues will support essential public services such as public safety, parks, and infrastructure maintenance.

8. Approval of the Project will create local and regional employment-generating opportunities for citizens of the City and surrounding communities. Specifically, approval of the Project is expected to create approximately 557 new jobs, in addition to temporary construction jobs.

9. The Project would meet the needs of the growing logistics sector and will attract similar business that can expedite the delivery of essential goods to consumers and businesses in the City and region, thereby fostering long-term economic growth.

10. Approval of the project will contribute towards maximizing employment opportunities within the City to improve the jobs-housing balance, typically viewed as housing rich and job poor, which would help to reduce systemic unemployment within the City.

11. The Project is strategically located in close proximity to three major freeways (State Route 210, Interstate 215 and Interstate 15) and the ports of Los Angeles and Long Beach, thereby improving the efficiency of movement of goods and a reduction in vehicle miles traveled.

12. By optimizing goods movement, the Project will indirectly reduce inefficiencies in the transportation system, which benefits local communities through improved access to goods and services.

13. The Project is consistent with, and will contribute to achieving the goals and objectives established by the General Plan. Implementing the City's General Plan as a policy is a legal and social prerogative of the City.

Although only one significant impact remains, the City will mitigate the significant adverse impacts to greenhouse gas emissions to the maximum extent practicable. In its decision to approve the Project, the City has considered the Project benefits to outweigh the one significant and unavoidable environmental impact.

7.0 CERTIFICATION OF FINAL EIR

The City declares that no new significant information as defined by the CEQA Guidelines Section 15088.5, has been received by the City after circulation of the EIR that would require recirculation. The City certifies that the Final EIR was prepared in compliance with CEQA and the CEQA Guidelines and that the City has complied with CEQA's procedural and substantive requirements. The City further certifies that it has reviewed and considered the EIR in evaluation the Project and that the EIR reflects the independent judgment and analysis of the City.

As the decision-making body for approval, the City has reviewed and considered the information contained in the Findings and supporting documentation. The City determines that the Findings contain a complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding Considerations.

Accordingly, the City certifies the Final EIR for Project based on the findings and conclusions discussed below.

8.0 FINDINGS

Per Guidelines Section 15091, the Project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the EIR and will require mitigation as set forth in the Findings. However, the Project will have significant adverse impacts even following adoption of all feasible mitigation measures that are required by the City. The following significant environmental impact has been identified in the Final EIR and will require mitigation but cannot be mitigated to a level of insignificance:

Greenhouse Gas Significant Unavoidable Impact

After mitigation, the Project would still exceed the applied threshold of 3,000 MT CO_2e per year, at approximately 10,172 $MTCO_2e$. No feasible mitigation measures exist beyond those already identified that would reduce these emissions to levels that are less than significant. Therefore, even with the incorporation of mitigation, long-term impacts associated with a cumulatively considerable increase in GHG emissions would be significant and unavoidable.

Conclusions

1. Except as to GHG emissions, all other potentially significant Project-level and cumulative environmental impacts from the implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to less than significant.

2. The No Development, Truck Trailer Parking, Business Park and Reduced Warehouse Alternatives have been considered and rejected in favor of the proposed Project.

3. Environmental, economic, social, and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further mitigation measures beyond those incorporated into the Project.

9.0 ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Public Resources Code Section 21081.6, the City hereby adopts, as conditions of approval of the Project, the Mitigation Monitoring and Reporting Plan (MMRP) provided as Exhibit B within this Resolution. In the event of any inconsistencies between the mitigation measures set forth herein and the attached MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

END OF EXHIBIT A

EXHIBIT B

MITIGATION MONITORING & REPORTING PROGRAM

[See Following Pages]

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

4.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor the Mitigation Program outlined in the Locust Gateway Development Project Final Environmental Impact Report (EIR), State Clearinghouse No. 2024061274. The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code. Specifically, Section 21081.6 states:

> (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
>
> (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
>
> (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Rialto is the Lead Agency for the Project and is therefore responsible for ensuring the implementation of the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

4.2 ORGANIZATION

The Mitigation Program identified in the EIR outlines the standard conditions of approval and mitigation measures for which implementation of the Project would be consistent with.

The MMRP defines the following for each Mitigation Program element:

- **Definition.** The Mitigation Program element contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.

- **Time Frame.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of Project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.
- **Monitoring/Reporting Method.** The actions required to ensure the measure is implemented are noted.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the party responsible for implementing the mitigation, and the City of Rialto or designated representative would be responsible for monitoring the performance and implementation of the mitigation measure. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.

The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Rialto. The completed MMRP and supplemental documents will be kept on file at the City of Rialto Community Development Department.

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
Air Quality					
Laws, Ordinances, and Regulations (LORs) are existing requirements that are based on local, State, or federal regulations or laws that are frequently required independently of CEQA review. **LOR AQ-1.** Prior to the issuance of grading permits, the City Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD) Rules 402 and 403 to minimize construction emissions of dust and particulates. The measures include, but are not limited to, the following: ▪ Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized. ▪ All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized. ▪ All material transported off site will be either sufficiently watered or securely covered to prevent excessive amounts of dust. ▪ The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times. ▪ Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.	Prior to the issuance of grading permits	On-site inspections	City of Rialto Public Works Department, Engineering Services		
LOR AQ-2. Require diesel powered construction equipment to turn off when not in use per Title 13 of the California Code of Regulations, Section 2449.	Ongoing during construction	On-site inspections	City of Rialto Public Works Department, Engineering Services		
LOR AQ-3. Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and sensors for landscaping according to the City's Water Efficient Landscape requirements (Chapter 12.50 of the City's Municipal Code).	Prior to Issuance of Occupancy Permit	Documentation of Low Water Use Landscaping	City of Rialto Community Development Department, Planning Division		
LOR AQ-4. In accordance with California Title 24 Standards, buildings will be designed to have 15 percent of the roof area "solar ready" that will structurally accommodate later installation of rooftop solar panels. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.	Condition of issuance of Building Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
LOR AQ-5. The Project shall be designed in accordance with the applicable California Green Building Standards (CALGreen) Code (24 CCR, Part 11). The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to: ▪ Design buildings to be water efficient. Install water-efficient fixtures in accordance with Section 5.303 of the California Green Building Standards Code Part 11. ▪ Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 of the California Green Building Standards Code Part 11. ▪ Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 5.410 of the California Green Building Standards Code Part 11. ▪ To facilitate future installation of electric vehicle supply equipment (EVSE), nonresidential construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.	Condition of issuance of Building Permit Prior to issuance of Occupancy Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		
MM AQ-1: Low VOC Paints. The Project shall use "Super-Compliant" low VOC paints which have been reformulated to exceed the regulatory VOC limits (i.e., have a lower VOC content than what is required) put forth by SCAQMD's Rule 1113 for all architectural coatings. Super-Compliant low VOC paints shall be no more than 10 g/L of VOC. Prior to issuance of a building permit, the City shall confirm that plans include the following specifications: ▪ All architectural coatings will be super-compliant low VOC paints. ▪ Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints. ▪ Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors. ▪ For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain. Set aside the can of cleanup water and take it to the hazardous waste center (www.cleanup.org). ▪ Use compliant low-VOC cleaning solvents to clean paint application equipment.	Prior to issuance of a Building Permit	Confirm compliance during on-site inspections	City of Rialto Community Development Department, Building and Safety Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
▪ Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions. ▪ Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable. ▪ Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.					
MM AQ-2: Require All-Electric Development. Prior to the issuance of building permits, the Building Department shall confirm that building plans require the Project to use all-electric appliances, and end uses instead of natural gas. The Project shall not include natural gas utility lines or connections. The purpose of this mitigation measure is to reduce air quality emissions from natural gas.	Prior to the issuance of Building Permits	Approval of Plans and Specifications	City of Rialto Community Development Department, Building and Safety Division		
MM AQ-3: Electric Landscape Equipment. Prior to the issuance of occupancy permits, the Planning Division shall confirm that the Project's Covenants, Conditions and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all handheld landscaping equipment used on site shall be 100 percent electrically powered. The logistics warehouse and parking lots shall be equipped with exterior electrical outlets to accommodate this requirement. This requirement shall be included in the third-party vendor agreements for landscape services for the building owner and tenants, as applicable. This mitigation measure applies only to tenant improvements and not the building shell approvals.	Prior to the issuance of Occupancy Permits	Approval of Plans and Specifications	City of Rialto Community Development Department, Planning Division		
MM AQ-4: Transportation Demand Management: Prior to issuance of tenant occupancy permits, the tenant/facility operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool and transit. The TDM shall include measures such as, but not limited to the following: ▪ Provide a transportation information center and on-site TDM coordinator to educate residents, employers, employees, and visitors of surrounding transportation options.	Prior to the issuance of tenant occupancy permits.	Approval of Plans and Specifications	Tenant/Facility Operator		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
▪ Promote bicycling and walking through design features such as showers for employees, self-service bicycle repair area, etc. around the Project site. ▪ Each building shall provide secure bicycle storage space equivalent to two percent of the automobile parking spaces provided. ▪ Each building shall provide a minimum of two shower and changing facilities as part of the tenant improvements. ▪ Provide on-site car share amenities for employees who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day. ▪ Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service. ▪ Incorporate incentives for using alternative travel modes, such as preferential load/unload areas or convenient designated parking spaces for carpool/vanpool users. ▪ Provide meal options on site or shuttles between the facility and nearby meal destinations. ▪ Each building shall provide preferred parking for electric, low-emitting and fuel-efficient vehicles equivalent to at least eight percent of the required number of parking spaces. ▪ This mitigation measure applies only to tenant occupancy and not the building shell approvals.					
MM AQ-5: Non-Diesel Cargo Handling Equipment. The warehouse building shall include the necessary charging stations for cargo handling equipment. Prior to the issuance of a tenant occupancy permit, the Planning Division shall confirm that the Project plans and specifications show that all outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) are zero emission or alternatively fueled (i.e., powered by electricity or non-diesel fuels). The building manager or their designee shall be responsible for enforcing these requirements. Note that SCAQMD Rule 2305 (Warehouse Indirect Source Rule) Warehouse Actions and Investments to Reduce Emissions (WAIRE) points may be earned for electric/zero emission yard truck/hostler usage. This mitigation measure applies only to tenant improvements and not the building shell approvals.	Prior to the issuance of tenant occupancy permits.	Approval of Plans and Specifications	City of Rialto Community Development Department, Planning Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
Biological Resources					
MM BIO-1: Rare Plant Mitigation Plan. Parry's spineflower (CRPR 1B.1) is present on site and impacts are unavoidable; therefore, compensatory mitigation shall be provided to offset impacts. A rare plant mitigation plan shall be prepared and implemented by the applicant or its designee prior to the onset of grading activities. The plan will demonstrate the feasibility of conserving, enhancing, or restoring Parry's spineflower habitat in areas to be managed as natural open space without conflicting with other resource management objectives. Habitat conservation, enhancement, or restoration will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted). If the rare plant mitigation plan proposes conservation of an extant population, the plan shall include at a minimum: (a) the location of the conserved habitat and an analysis of its suitability as compensatory mitigation; (b) an assessment of the extant Parry's spineflower populations at the proposed conservation site; (c) a long-term management plan which includes objectives, management practices, monitoring protocols, adaptive management strategies, and reporting requirements; and (d) details regarding the establishment of a non-wasting endowment to perpetually fund management of the conserved land, or such other funding mechanism acceptable to CDFW. If the rare plant mitigation plan proposes enhancement or restoration, the plan shall include at minimum: (a) collection/salvage measures for plants or seed banks, to retain intact soil conditions and maximize success likelihood; (b) details regarding storage of plants or seed banks; (c) location of the proposed recipient site, and detailed site preparation and plant introduction techniques details for top soil storage, as applicable; (d) time of year that the salvage and replanting or seeding will occur and the methodology of the replanting; (e) a description of the irrigation, if used; (f) success criteria; and (g) a detailed monitoring program, commensurate with the plan's goals.	Prior to the onset of grading activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist.	Qualified Biologist City of Rialto Community Development Department, Planning Division		
MM BIO-2: Best Management Practices. To avoid impacts to special-status resources and inadvertent disturbance, the following monitoring requirements and Best Management Practices (BMPs) shall be implemented:	Prior to initial ground disturbing activities. Ongoing during grading and construction	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and	Qualified Biologist		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
a. Construction vehicles shall not exceed 15 miles per hour on unpaved roads adjacent to the project site or the right-of-way accessing the site. b. The Applicant, or its contractors, shall screen, cover, or elevate at least one foot above ground, all construction pipe, culverts, or similar structures with a diameter of three inches or greater that are stored on site overnight. These pipes, culverts, and similar structures shall be inspected by the Project biologist for wildlife before such material is moved, buried, or capped. c. Construction activities shall occur during daytime hours to the greatest extent feasible. If construction must occur at nighttime, lights shall be oriented in such a way that they direct light downward and toward the active construction, ensuring that no direct light is emitted towards adjacent lands, and shields or deflectors shall be installed on lights to reduce light spill. Nighttime concrete pouring shall be performed in accordance with the City of Rialto Municipal Code. d. A biologist shall flush special-status species (i.e., avian or other mobile species), with the exception of burrowing owls, from suitable habitat areas within the Project development footprint to the maximum extent practicable immediately (e.g., within 24 hours) prior to initial vegetation removal activities. The biologist shall flush wildlife by walking through habitats to be imminently removed and towards adjacent open space. e. At the end of each workday during construction, the applicant, or its contractors, shall cover all excavated, steep-sided holes or trenches more than eight inches deep and that have sidewalls steeper than 1:1 (45 degree) slope with plywood or similar materials, or provide a minimum of one escape ramp per 100 feet of trenching (with slopes no greater than 3:1) constructed of earth fill or wooden planks. The applicant, or its contractors shall thoroughly inspect holes and trenches for trapped animals each workday. f. Contractors shall not permit pets on the construction site. g. If trash and debris need to be stored overnight during maintenance activities, fully covered trash receptacles that are animal-proof and weather-proof shall be used by the maintenance contractor to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Alternatively, standard trash		compliance report by Qualified Biologist.	City of Rialto Community Development Department, Planning Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
receptacles may be used during the day but must be removed or emptied each night. h. To prevent inadvertent disturbance to areas outside the limits of work, the construction limits shall be clearly demarcated (e.g., installation of flagging or temporary visibility construction fence) prior to ground-disturbance activities, and all construction activities, including equipment staging and maintenance, shall be conducted within the marked disturbance limits. The work limit delineation shall be maintained throughout Project construction. i. The Applicant, or its contractors, shall avoid the use of invasive plant species in the associated landscaping. j. Prior to initial ground disturbing activities, a Worker Environmental Awareness Program (WEAP) shall be prepared, which will include a training presentation and key fact sheet. The training will instruct construction crews to be aware of and recognize sensitive biological resources that may be encountered within, or adjacent to, the project site. The training will provide workers with instructions to follow in the event a sensitive species is observed or suspected to be on site. Biologists shall provide WEAP training materials, including but not limited to the key fact sheet, to construction personnel before their commencement of work on the Project. Additionally, all construction staff shall attend the WEAP training presentation prior to beginning work on site. Upon completion of the WEAP training, each member of the construction crew shall sign a form stating that they attended the training, understood the information presented, and agreed to comply with the requirements set out in the WEAP training. Biologists shall provide updates relevant to the training to construction personnel during the safety ("tailgate") meetings, as needed.					
MM BIO-3A: Burrowing Owl Preconstruction Surveys. No less than 14 days prior to the onset of construction activities, a qualified biologist shall survey the construction limits of the project site and a 500-foot buffer for the presence of burrowing owls and occupied nest burrows. A second survey shall be conducted within 24 hours prior to the onset of construction activities. Time lapses between Project activities greater than one week (7 days) would trigger subsequent 24-hour take avoidance surveys to confirm burrowing owl absence. The surveys shall be conducted in accordance with	Preconstruction survey conducted no less than 14 days prior to the onset of construction activities Second survey conducted within 24 hours prior to the onset of construction activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist.	Qualified Biologist City of Rialto Community Development Department, Planning Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
the most current CDFW survey methods. If burrowing owls are not observed during clearance surveys or biological monitoring, no additional conditions are required to avoid impacts to burrowing owls. The Project Applicant shall submit at least one burrowing owl pre-construction survey report to the satisfaction of the City to document compliance with this mitigation measure. For the purposes of this measure, 'qualified biologist' is a biologist who meets the requirements set forth in the BUOW Guidelines (CDFW 2012).					
MM BIO-3B: Burrowing Owl Plan or CESA ITP. If burrowing owls, active burrows, or signs thereof are confirmed during any survey or biological monitoring, Project activities with the potential to impact burrowing owls shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing on-site grading with the potential to impact burrowing owl. The Burrowing Owl Plan shall describe proposed avoidance, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities with the potential to impact burrowing owls shall not occur within 500 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If Project activities, including occupied burrow exclusion and closure, could result in take of burrowing owl, the applicant shall coordinate with CDFW for appropriate CESA authorization (i.e., ITP under CFGC section 2081) prior to commencement of on-site grading with the potential to impact burrowing owl. The ITP shall describe, at a minimum, Project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition. The conditions of the permit or measures outlined in the plan shall be adhered to by the applicant and any required compensatory mitigation of habitat would be provided.	If burrowing owls are detected during preconstruction surveys	Preparation of Burrowing Owl Plan, if burrowing owls are detected	City of Rialto Community Development Department, Planning Division California Department of Fish and Wildlife (CDFW) Qualified Biologist		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
MM BIO-4A: Crotch's Bumble Bee Surveys. At a minimum, two pre-construction nesting surveys shall be conducted prior to Project implementation. Surveys shall occur within 1) one week; and 2) within 24-hours prior to any vegetation removal or ground-disturbing activities scheduled to occur during the Crotch's bumble bee flight season (February through October). Surveys shall follow the guidelines provided in the CDFW's *Survey Considerations for CESA Candidate Bumble Bee Species* (2024b) and shall occur within the project site and areas adjacent to the project site where suitable habitat exists. The surveyors shall be qualified biologists familiar with Crotch's bumble bee identification and life history.	Two pre-construction nesting surveys shall be conducted prior to Project implementation. 1) one week; and 2) within 24-hours prior to any vegetation removal or ground-disturbing activities scheduled to occur during the Crotch's bumble bee flight season (February through October)	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	Qualified Biologist City of Rialto Community Development Department, Planning Division		
MM BIO-4B: Crotch's Bumble Bee CESA ITP. Suitable Crotch's bumble bee habitat and Crotch's bumble bee presence has been confirmed on the site; therefore, a CESA ITP shall be applied for and obtained prior to the commencement of on-site grading with the potential to impact Crotch's bumble bee. The ITP shall include, at a minimum, a description of Project activities and equipment, proposed avoidance/buffers, identification of temporary and permanent impacts, monitoring requirements, relocation and/or translocation protocols, and compensatory mitigation measures. Compensatory mitigation will be at a minimum 1:1 ratio (acres conserved, enhanced, or restored to acres impacted). ITP compensatory mitigation shall be satisfied by one or more of the following mechanisms: 1) purchase of credits at a CDFW-approved conservation or mitigation bank (if available); 2) execution of a Mitigation Credit Agreement; or 3) Permittee-responsible mitigation land acquisition.	CESA ITP shall be applied for and obtained prior to the commencement of on-site grading.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	City of Rialto Community Development Department, Planning Division California Department of Fish and Wildlife (CDFW) Qualified Biologist		
MM BIO-4C: Crotch's Bumble Bee Biological Monitor. A qualified biological monitor shall conduct full-time monitoring during removal of suitable nectar plants that is scheduled to occur during the queen flight period (February through March), colony active period (April through August), and/or gyne flight period (September through October). The monitor shall have authority to temporarily halt or redirect activities as needed to avoid unauthorized impacts.	Ongoing during removal of suitable nectar plants if conducted February through March, April through August, and/or September through October.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	Qualified Biologist City of Rialto Community Development Department, Planning Division		
MM BIO-5A: Nesting Bird Surveys. To ensure compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513 and to avoid potential impacts to nesting birds, vegetation clearing and ground-disturbing activities shall be conducted outside of the bird nesting season (generally February 15 through August 31), if feasible.	Prior to vegetation clearing and ground-disturbing activities Nesting bird survey within three (3) days prior to any disturbance of the site.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and	Qualified Biologist City of Rialto Community Development Department, Planning Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
Regardless of the time of year, a qualified biologist shall conduct a nesting bird survey within three (3) days prior to any disturbance of the site, including but not limited to vegetation clearing, disking, demolition activities, staging, or grading.		compliance report by Qualified Biologist			
MM BIO-5B: Nesting Bird Surveys. If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species observed. Buffer areas shall be avoided until the nests are no longer occupied, and the juvenile birds can survive independently from the nests. During construction activities, the qualified biologist shall continue biological monitoring activities at a frequency recommended by the qualified biologist using their best professional judgment. If nesting birds are documented, avoidance and minimization measures may be adjusted and construction activities stopped or redirected by the qualified biologist to avoid take of nesting birds. If nesting birds are not documented during the pre-construction survey, adherence to additional measures may not be necessary to avoid impacts to nesting birds.	Pre-construction nesting bird survey. Biological monitoring ongoing during construction.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	Qualified Biologist City of Rialto Community Development Department, Planning Division		
MM BIO-6A: Special-Status Preconstruction Lizard Surveys. Within 30 days prior to the commencement of any on-site Project activities, a qualified biologist shall conduct pre-construction surveys in suitable special-status lizard habitat throughout the project site. Project-related activities that would result in ground disturbance include any construction, vegetation removal, equipment and vehicle access, parking, and staging. The qualified biologist shall have familiarity with special-status lizard species as recognized by CDFW. A minimum of one daytime survey during suitable weather for lizard activity shall be conducted by walking linear transects spaced to provide 100 percent coverage of suitable habitat. The location of any observed special-status lizards shall be documented. If feasible, the locations of any special-status lizards shall be avoided. Avoidance measures shall be monitored by the qualified biologist.	Preconstruction surveys within 30 days prior to the commencement of any on-site Project activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	Qualified Biologist City of Rialto Community Development Department, Planning Division		
MM BIO-6B: Special-Status Preconstruction Lizard Surveys. If pre-construction surveys are positive for coastal whiptail, coast horned lizard, or Southern California legless lizard and avoidance is not feasible, CDFW shall be notified in writing. In addition, relocation of all observed special-status lizard individuals shall be attempted and, if feasible, lizards would be relocated to the nearest available suitable habitat on conserved land in consultation with CDFW.	During pre-construction surveys.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Biologist	City of Rialto Community Development Department, Planning Division California Department of Fish and Wildlife (CDFW)		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
			Qualified Biologist		
Cultural Resources					
MM CUL-1 Retention of Archaeologist. Prior to issuance of any permit for ground-disturbing activities, the Project Applicant shall provide evidence to the City of Rialto (City) that a qualified professional archaeologist meeting Secretary of the Interior professional qualifications (Project Archaeologist) has been retained.	Prior to issuance of any permit for ground-disturbing activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Archaeologist.	Project Archeologist City of Rialto Community Development Department, Planning Division		
MM CUL-2: Cultural Resource Management Plan. Prior to any ground-disturbing activities the Project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. The CRMP shall be written in consultation with the Consulting Tribes and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the Project schedule.	Prior to issuance of any permit for ground-disturbing activities.	Approval of Cultural Resources Management Plan	Project Archeologist City of Rialto Community Development Department, Planning Division Consulting Tribes		
MM CUL-3: Cultural Resources Sensitivity Training. A Cultural Resources Training shall be provided to all construction managers and construction personnel prior to commencing any ground disturbance work within the project area. The training shall be prepared and conducted or overseen by the Project Archaeologist. The training content shall include, but is not limited to, information about any known cultural resources in Project area and vicinity and the process for inadvertent discovery. The training may be discontinued when ground disturbance is completed. Construction personnel shall not be permitted to operate equipment within the construction area unless they have attended the training. The Qualified Archeologist or designated Archaeological Monitor and Monitoring Tribes' designated representatives shall attend the pre-grade meeting with the grading contractors to conduct the initial training and explain and coordinate the requirements of the Cultural Resource Management Plan.	Prior to commencing any ground disturbance work.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Archaeologist	Construction Managers and Construction Personnel, Project Archaeologist or designated Archaeological Monitor City of Rialto Community Development Department, Planning Division Monitoring Tribes		
MM CUL-4: Archaeological Monitoring. The Project Archaeologist shall monitor or supervise archaeological monitors (Monitors) for initial ground disturbing activities. After initial grading, should no cultural resources be present and/or subsurface soils indicate a low likelihood for significant intact resources, the Project Archaeologist shall	Archeological monitoring during initial ground disturbing activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and	Project Archaeologist City of Rialto Community Development Department, Planning Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
have the ability to recommend archaeological monitoring be decreased or eliminated after initial ground-disturbing activities are complete, which shall be approved in writing by the City. Any such recommendation shall be specific to archaeological monitoring and not impact the implementation of Mitigation Measures TCR-1 and/or TCR-2.		compliance report by Qualified Archaeologist			
MM CUL-5: Inadvertent Discovery of Cultural Resources. In the event that cultural resources are discovered during Project implementation, all earthwork and ground-disturbing activities shall halt within a buffer of the discovery established by the Project Archaeologist and the Project Archaeologist shall assess the nature and significance of the find. The Project Archaeologist shall coordinate with the City and identify whether the resource is potentially significant and if it requires further evaluation. Work on the other portions of the project site outside of the buffered area may continue during this assessment period. If the cultural resources are Native American in origin, the Consulting Tribes must be immediately contacted and consulted regarding potential significance and treatment of the resource. Specifically, the Consulting Tribes shall be contacted, as detailed within Tribal Cultural Resources (TCR) Mitigation Measure 3, regarding any pre-contact finds and shall be provided information after the Project Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regard to significance and treatment. For any potential significant cultural resources, the Project Archaeologist shall make recommendations to the City to avoid or mitigate impacts to the resource. If significant pre-contact cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Consulting Tribes for review and comment, as detailed within TCR-1. The Project Archaeologist shall monitor the remainder of the Project and implement the Monitoring and Treatment Plan accordingly. Preservation in place (i.e. avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery to excavate the resource along with subsequent laboratory processing and analysis. Disposition of significant Native American archaeological materials, such as reburial or curation by a qualified repository within San Bernardino County, shall be agreed upon	During Project implementation	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Archaeologist	Project Archaeologist Consulting Tribes City of Rialto Community Development Department, Planning Division South Central Coastal Information Center (SCCIC)		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
by the City and Consulting Tribes. Any significant non-Native American archaeological material shall be curated at a public, non-profit institution with a research interest in the materials within San Bernardino County, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. All identified cultural resources shall be recorded on appropriate California Department of Parks and Recreation (CA DPR 523) series forms and evaluated for significance. All findings shall be included within a Monitoring Report drafted by the Project Archaeologist and submitted to the City and Consulting Tribes for review. Final copies of the Monitoring Report shall be submitted to the City, Consulting Tribes, and South Central Coastal Information Center (SCCIC).					
SC CUL-1. If human remains are encountered during the undertaking, California State Health and Safety Code Section 7050.5 states that excavation shall stop and no further disturbance shall occur within 100 feet of the discovery until the County Coroner has made a determination of origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery within 48 hours of notification. If the NAHC is unable to identify an MLD, the MLD fails to make a recommendation, or the landowner or his/her authorized representative rejects the recommendation, the human remains and associated items will be interred on the property with appropriate dignity in a location that will not be subject to future disturbance.	During excavation (if applicable)	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Archaeologist	City of Rialto Community Development Department, Planning Division County Coroner Native American Heritage Commission (NAHC) Most Likely Descendant (MLD)		
Geology and Soils					
SC GEO-1. The Applicant shall submit to the City of Rialto Community Development Department and Public Works Department for review and approval, a site-specific design-level geotechnical investigation prepared for the project site by a registered geotechnical engineer. The investigation shall comply with all applicable State and local code requirements and:	Prior to the issuance of the first grading permit for ground-disturbing activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Geologist	Project Applicant City of Rialto Community Development Department		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
a) Include an analysis of the expected ground motions at the site from known active faults using accepted methodologies; b) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable City amendments, to ensure that structures can withstand ground accelerations expected from known active faults; and c) Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements. Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigation in the site-specific investigations. The structural engineer shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the structural design plans and shall ensure that all structural plans for the Project meet current Building Code requirements. The City's registered geotechnical engineer or third-party registered engineer retained to review the geotechnical reports shall review each site-specific geotechnical investigation, approve the final report, and require compliance with all geotechnical requirements contained in the investigation in the plans submitted for the grading, foundation, structural, infrastructure and all other relevant construction permits. The City shall review all Project plans for grading, foundations, structural, infrastructure and all other relevant construction permits to ensure compliance with the applicable geotechnical investigation and other applicable Code requirements.			City of Rialto Public Works Department City of Rialto's registered geotechnical engineer or third-party registered engineer		
MM GEO-1: Paleontological Monitoring. Prior to the issuance of any grading permits, or any permit authorizing ground disturbance, the Project Applicant shall, to the satisfaction of the City of Rialto Community Development Director, demonstrate that a qualified paleontologist has been retained to respond on an as-needed basis to address unanticipated paleontological discoveries. A paleontologist is defined as an individual with an M.S./M.A. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques, and who is knowledgeable in the geology and paleontology of the area.	Prior to the issuance of any grading permits for ground-disturbing activities.	Verify Pre-Construction Surveys Conducted. Field Inspection signoff, and compliance report by Qualified Paleontologist	Project Applicant City of Rialto Community Development Director Qualified Paleontologist		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
In the event that fossils or fossil-bearing deposits are inadvertently unearthed during excavation and grading activities, all earth disturbing activities within a 100-foot radius of the area of discovery shall be temporarily halted or diverted. The qualified paleontologist shall be contacted to evaluate the significance of the finding and determine an appropriate course of action in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, City staff and the Project Applicant determine that avoidance is not feasible, the paleontologist shall prepare an excavation plan for reducing the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval and the Project Applicant shall implement the approval plan.					
Greenhouse Gas Emissions					
LOR GHG-1. Limit idling time for commercial vehicles to no more than five minutes per Title 13 of the California Code of Regulations, Section 2485.	Ongoing during construction	On-site inspections	City of Rialto Public Works Department, Engineering Services		
LOR GHG-2. In accordance with California Title 24 Standards, buildings will be designed to have 15 percent of the roof area "solar ready" that will structurally accommodate later installation of rooftop solar panels. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.	Condition of issuance of Building Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		
LOR GHG-3. Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and sensors for landscaping, according to the City's Water Efficient Landscape requirements (Chapter 12.50 of the City's Municipal Code).	Prior to Issuance of Occupancy Permit	Documentation of Low Water Use Landscaping	City of Rialto Community Development Department, Planning Division		
LOR GHG-4. Design buildings to be water efficient. Install water-efficient fixtures in accordance with Section 5.303 of the California Green Building Standards Code Part 11.	Condition of issuance of Building Permit Prior to issuance of Occupancy Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
LOR GHG-5. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 of the California Green Building Standards Code Part 11.	Ongoing during demolition and construction	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		
LOR GHG-6. Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 5.410 of the California Green Building Standards Code Part 11.	Condition of issuance of Building Permit Prior to issuance of Occupancy Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		
LOR GHG-7. To facilitate future installation of electric vehicle supply equipment (EVSE), construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.	Condition of issuance of Building Permit Prior to issuance of Occupancy Permit	On-site inspections	City of Rialto Community Development Department, Building and Safety Division		
MM GHG-1: On-Site Renewable Electricity Generation. Prior to the issuance of the final Certificate of Occupancy for the building tenant, documentation shall be provided to the City demonstrating that the Project has either: 1) installed solar photovoltaic (PV) panels or other source of renewable energy generation on the site, or 2) otherwise acquired energy from the local utility that has been generated by renewable sources, such that either option will provide 100 percent of the expected building load which is anticipated to be approximately 1.42 kilowatt hours per year [kWh/year] per square foot). Alternatively, the Project may achieve 100 percent of the building's expected energy load through a combination of on-site renewable energy generation and renewable energy purchase. The final PV generation facility size requires approval by Southern California Edison (SCE). Should SCE limit the facility size, the amounts above shall be limited to the amount of SCE's approval. This mitigation measure applies only to tenant improvements and not the building shell approvals.	Prior to the issuance of the final Certificate of Occupancy for the building tenant.		Project Applicant City of Rialto Community Development Department, Building and Safety Division Southern California Edison (SCE)		
MM GHG-2: CALGreen Tier 2. Prior to the issuance of a building permit, the Project Applicant or successor in interest shall provide documentation to the City of Rialto Community Development Department, Building and Safety Division demonstrating that the Project is designed to meet or exceed 2022 CALGreen Tier 2 standards in effect at the time of building permit application.	Prior to the issuance of a building permit.	Field inspection signoff	Project Applicant City of Rialto Community Development Department, Building and Safety Division		
MM GHG-3: Solid Waste Diversion. Prior to issuance of tenant occupancy permits, the Project operator shall designate a solid waste management coordinator and	Prior to issuance of tenant occupancy permits	Field inspection signoff	Project Applicant		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
implement a waste management plan to recycle and/or salvage nonhazardous debris to achieve a minimum 75 percent diversion from landfills. The City of Rialto Community Development Department, Planning Division shall confirm that sales or lease agreements includes contractual language that obligates tenants, operators, or future owners to comply with the solid waste management plan. This mitigation measure applies only to tenant permits and not the building shell approvals.			City of Rialto Community Development Department, Planning Division		
MM GHG-4: Water Use Efficiency and Conservation Plan. The Project Applicant or designee shall implement a Water Use Efficiency and Conservation Plan that includes the following minimum requirements: **Indoor Conservation Features and Operations:** ▪ Install low-flow Fixtures: Install low-flow toilets at 1.28 gallons per flush, faucets at 1.2 gallons per minute, showerheads at 1.8 gallons per minute, kitchen faucets at 1.8 gallons per minute. In common areas, install faucets at 0.5 gallon per minute and urinals at max of 0.25 gallon per minute/flush. (These fixtures use less water while maintaining efficient performance.) ▪ Install dual-flush toilets: These toilets offer two flush options: one for liquid waste less than 1 gallons per minute and another for solid waste at 1.28 gallons per minute. (This allows the appropriate use of water for flushing needs.) ▪ Use water-efficient appliances: The Project Applicant or designee shall install energy-efficient and water-saving appliances with the ENERGY STAR label only. ▪ Good housekeeping and regular maintenance: The Project Applicant or designee shall regularly check and maintain plumbing fixtures, irrigation systems, and appliances to ensure they are functioning efficiently and not wasting water. **Outdoor Conservation Features and Operations:** ▪ Install only "Smart Irrigation Systems" for community landscaping: The Project Applicant or designee shall use smart sprinkler systems that adjust watering schedules based on weather conditions, soil moisture, and plant needs to avoid over or wasteful watering. The Project Applicant or designee shall also incorporate seasonal specific controls to ensure watering occurs during the most efficient times of day.	Condition of issuance of Building Permit Confirmation prior to Certificate of Occupancy	On-site inspection	Project Applicant City of Rialto Community Development Department, Building and Safety Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
▪ Adjustable Water Pressure Regulator: The Project Applicant or designee shall install pressure regulators to maintain optimal water pressure, preventing overuse and leaks. ▪ Drought-tolerant landscaping: The Project Applicant or designee shall include native and drought-tolerant vegetation that requires less water to thrive and is known to survive in the City of Rialto. The Project Applicant or designee shall replace drought-tolerant landscaping if it dies through enforceable Project CC&Rs and/or tenant lease agreements.					
Hazards and Hazardous Materials					
MM HAZ-1: Asbestos Survey and Lead-Based Paint Survey. Prior to approval of a demolition permit by the City of Rialto, an asbestos survey and a lead-based paint survey shall be conducted pursuant to applicable local, State, and federal laws. All asbestos-containing building materials shall be removed prior to structure demolition. Abatement or paint stabilization techniques shall be applied prior to demolition. Such measures shall include removal and stabilization of loose, flaking or peeling paint. Measures shall be taken to ensure that paint chips are not generated in the demolition process. All work shall be performed by an abatement contractor who is certified by the California OSHA Division of Occupational Safety and Health (Cal/OSHA) with properly trained and registered workers. All abatement techniques shall be in accordance with Cal/OSHA and U.S. Environmental Protection Agency (U.S. EPA) protocol and also in conformance with South Coast Air Quality Management District (SCAQMD) rules. All removed asbestos-containing building materials and lead-based paint shall be properly disposed of at a landfill certified to accept said materials, and waste shall be transported under the waste manifest by a certified waste transportation company. Once all of these materials have been removed, structure demolition may commence.	Prior to approval of a demolition permit.	Field inspection signoff	City of Rialto Community Development Department, Building and Safety Division Abatement Contractor		
MM HAZ-2: Munitions Monitor. Prior to issuance of grading permits, the Applicant shall submit proof to the City of Rialto Director of Community Development of the retainment of a munitions expert. A munitions expert must be an individual that is qualified to perform appropriate tasks per Department of Defense Explosives Safety	Prior to the issuance of the first grading permit Daily monitoring during grading activities	Field inspection signoff	Project Applicant City of Rialto Director of Community Development		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
Board Technical Paper-18 (DESB TP-18) standards. The munitions expert shall be onsite to monitor grading activities for unexploded ordinances (UXOs) and discarded military munitions (DMMs) and provide daily safety briefings before the start of construction. If UXOs are encountered during this process, the munitions expert shall have the authority to halt all or a portion of construction activities and contact the City of Rialto Police department at (909) 820-2550 to report and determine proper UXO handling and disposal. The munitions expert shall have the authority to halt all or a portion of construction activities at their discretion until such time that an encountered UXO is deemed properly disposed of.			Munitions Expert		
MM HAZ-3: Soil Management Plan. Prior to the issuance of a grading permit, the Applicant shall submit a Soil Management Plan (or equivalent document) to be implemented for construction of the Proposed Project. The objective of the Soil Management Plan is to provide guidance for the proper handling, onsite management, and disposal of impacted soil that might be encountered during construction activities. The plan would include practices that are consistent with the California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as appropriate remediation standards that are protective of the planned use. Appropriately trained professionals would be on site during preparation, grading, and related earthwork activities to monitor soil conditions encountered. The Soil Management Plan would provide guidelines for the following: ▪ Identifying impacted soil ▪ Assessing impacted soil ▪ Soil excavation ▪ Impacted soil storage ▪ Verification sampling ▪ Impacted soil characterization and disposal The plan shall outline how Project construction crews would identify, handle, and dispose of potentially contaminated soil; identify the qualifications of the appropriately trained professionals that would monitor soil conditions and conduct soil sampling during construction; coordinate laboratory testing; and oversee disposal. The Soil Management Plan shall also include requirements for documenting and reporting incidents of encountered contaminants, such as documenting locations of occurrence,	Prior to the issuance of a grading permit. Soil Management Plan shall be submitted to the city and CUPA 45 days prior to the start of construction for review and approval.	Field inspection signoff	Project Applicant City of Rialto Community Development Department, Building and Safety Division CUPA		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
sampling results, and reporting actions taken to dispose of contaminated materials. In the event that potentially contaminated soils were encountered within the footprint of construction, soils would be tested and stockpiled. The appropriate Certified Unified Program Agency (CUPA) would determine whether further assessment is warranted. The Soil Management Plan shall be submitted to the city and CUPA 45 days prior to the start of construction for review and approval.					
MM-HAZ 4: Contaminated Soil Treatment. If previously unidentified soil contamination is observed by sight or odor or indicated by testing by a qualified professional using a portable volatile organic compound analyzer during excavation and grading activities, excavation and grading within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented, as contained in the South Coast Air Quality Management District's Rule 1166, to make the area suitable for grading activities to resume. In the event contamination is found, the Applicant shall notify the San Bernardino County Fire Department and the South Coast Air Quality Management District, as applicable. The contaminated soil shall be evaluated and excavated/disposed of, treated in-situ (in-place), or otherwise managed and disposed of in accordance with all applicable federal, State, and local laws and regulations.	During excavation and grading activities.	Field inspection signoff	Project Applicant San Bernardino County Fire Department South Coast Air Quality Management District City of Rialto Community Development Department, Building and Safety Division		
Hydrology and Water Quality					
SC HYD-1. The Applicant or his/her designees shall obtain a General Permit for Stormwater Discharge Associated with Construction Activity (Construction Activity General Permit). The Applicant or his/her designees shall provide a copy of this permit to the City Public Works Department prior to the issuance of the first grading permit.	Prior to the issuance of the first grading permit	Verify permit	Project Applicant City of Rialto Public Works Department		
SC HYD-2. Prior to issuance of the first grading permit, the Applicant shall submit to the City Engineer for approval, a Storm Water Quality Management Plan (SWQMP) specifically identifying Best Management Practices (BMPs) that will be incorporated into the Project to control stormwater and non-stormwater pollutants during and after construction. To ensure compliance, a legal and fiduciary enforcement mechanism in the form of a Storm Water Quality Management Plan Agreement shall be executed with the City of Rialto. This agreement shall additionally be recorded in the office of the County Recorder for the County of San Bernardino. The SWQMP shall	Prior to the issuance of the first grading permit	Verify plans	Project Applicant City of Rialto Engineer County Recorder for the County of San Bernardino		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
specify BMPs specific to the project site, which shall be integrated into the stormwater conveyance plan. The plan shall identify specific strategies, including the following. ▪ Site design features, including maximizing open space, preservation of natural drainages, and minimization of impervious surfaces. ▪ Source control features, including leveraging public outreach and education, use of appropriate landscaping, and covering trash storage areas. ▪ Treatment controls, including the use of underground chambers.					
SC HYD-3. An Erosion Control Plan shall be prepared, and included with the Project's grading plan, and implemented for the Project that identifies specific measures to control on-site and off-site erosion from the time ground disturbing activities are initiated through completion of grading. The Erosion Control Plan shall include the following measures at a minimum: ▪ Specify the timing of grading and construction to minimize soil exposure to rainy periods experienced in Southern California; and ▪ An inspection and maintenance program shall be included to ensure that any erosion which does occur either on-site or off-site as a result of this Project will be corrected through a remediation or restoration program within a specified timeframe.	Prior to issuance of the first grading permit.	Verify plans	City of Rialto Community Development Department, Building and Safety Division		
Noise					
MM NOI-1: Noise Shielding and Muffling. Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and muffling devices consistent with manufacturers' standards or the Best Available Control Technology, which achieve a noise reduction of 10 dBA or greater. All equipment shall be properly maintained, and the Applicant or Owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.	Ongoing during any earthwork or construction activities	Verify incorporation of applicable noise measures. Field inspection sign-offs. Submittal of compliance report from qualified noise consultant.	Project Applicant or Owner City of Rialto Community Development Department, Building and Safety Division		
SC PS-1. Prior to the issuance of the first grading permit and/or action that would permit site disturbance, the Applicant shall provide evidence to the City of Rialto Police Department that a construction security service or equivalent service shall be established at the construction site along with other measures, as identified by the	Prior to the issuance of the first grading permit and/or action that would permit site disturbance.	Verify Required Public Safety Information on Development Plans	Project Applicant City of Rialto Police Department		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
Police Department and the Public Works Department, to be instituted during the grading and construction phase of the Project.			City of Rialto Public Works Department		
SC PS-2. Prior to issuance of building permits, the City of Rialto Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. Public safety planning recommendations shall be incorporated into the Project plans. The Applicant shall prepare a list of Project features and design components that demonstrate responsiveness to defensible space design concepts. The Police Department shall review and approve all defensible space design features incorporated into the Project prior to initiating the building plan check process.	Prior to issuance of building permits	Verify Required Public Safety Information on Development Plans	Project Applicant City of Rialto Police Department		
Transportation					
SC TRAN-1. Prior to issuance of any grading or building permit, the Applicant shall submit for City of Rialto Community Development Director and Traffic Engineer review and approval a Construction Management Plan for the Project. The Plan shall identify construction phasing and address traffic control for any temporary street closures, detours, or other disruptions to traffic circulation and public transit routes. The Plan shall identify the routes that construction vehicles shall use to access the site, the hours of construction traffic, traffic controls and detours, construction materials and vehicle staging areas, and temporary parking arrangements for the construction workers.	Prior to issuance of any Grading or Building Permit	Approved Construction Management Plan	Project Applicant City of Rialto Community Development Director City of Rialto's Traffic Engineer		
Tribal Cultural Resources					
MM TCR-1: Native American Monitoring for Gabrieleño Band of Mission Indians – Kizh Nation. The Project Applicant shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of the first permit that would result in a "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the Project description/definition and/or required in connection with the Project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement	Monitor shall be retained prior to the commencement of any ground-disturbing activity. Monitor shall complete daily monitoring logs.	Submittal of executed monitoring agreement to the City of Rialto	Project Applicant City of Rialto Community Development Department, Planning Division Gabrieleño Band of Mission Indians – Kizh Nation, Morongo Band of Mission Indians		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. A copy of the executed monitoring agreement shall be submitted to the City of Rialto prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The agreement would also address the consideration of rotating monitoring with the Morongo Band of Mission Indians. The monitor shall complete monitoring logs that provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs shall identify and describe any discovered Tribal Cultural Resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project Applicant/City of Rialto upon written request to the Tribe. On-site tribal monitoring shall conclude upon one of the following (1) written confirmation to the Kizh from a designated point of contact for the Project Applicant or City of Rialto that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the Project are complete; or (2) a determination and written notification by the Kizh to the Project Applicant or City of Rialto that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.					
MM TCR-2: Native American Monitoring for Morongo Band of Mission Indians. Prior to the issuance of the first permit that would result in a "ground-disturbing activity," the Applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians for the Project. The agreement would also address the consideration of rotating monitoring with the Gabrieleño Band of Mission Indians – Kizh Nation. The Tribal Monitor shall be on-site during all (or as deemed necessary)	Prior to the issuance of the first permit that would result in a ground-disturbing activity	Field Inspection signoff by Qualified Monitor	Project Applicant City of Rialto Community Development Department, Planning Division		

Locust Gateway Development Project Mitigation Monitoring and Reporting Program					
Standard Conditions; Mitigation Measures; Laws, Ordinances and Regulations	**Implementation Timing**	**Monitoring/Reporting Method**	**Responsible Party for Implementation/ Approval**	**Verification**	
				Date	**Initials**
ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources. The Tribal Monitor can establish a buffer around the discovery.			Gabrieleño Band of Mission Indians – Kizh Nation, Morongo Band of Mission Indians		
MM TCR-3: Inadvertent Discovery of a Tribal Cultural Resource. The Consulting Tribes shall be contacted and informed of any pre-contact cultural resources discovered during Project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment (pursuant to Mitigation Measure [MM] CUL-5). Should the find be deemed significant, as defined by CEQA, the find shall be addressed to the protocols outlined in the Cultural Resources Management Plan from MM CUL-2. Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Project Applicant and the City of Rialto for dissemination to the Consulting Tribes.	Ongoing during grading	Field Inspection signoff by Qualified Monitor Consultation with Tribes, as necessary	Consulting Tribes Qualified Archaeologist City of Rialto Community Development Department, Planning Division		

END OF EXHIBIT B